

In the United States District Court
Northern District of Texas
Dallas Division

John T. Lamont and Preston	§	
Poulter	§	
Plaintiffs	§	
	§	
v.	§	No. 3:21-cv-1176-K-BN
	§	
Dean Assaf a/k/a DA Talk and	§	
Victoria Kundert a/k/a Vikkiverse	§	
Defendants	§	

Plaintiffs' Appendix

Pursuant to Local Civil Rule 7.1(i), Plaintiffs submit the following materials in support of their Response to Defendant Ali Assaf's Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(1) and/or Rule 16 [Dkt. 66].

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Respectfully submitted,

/s/ Jeremy M. Masten
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555 Republic Drive, Suite 300
Plano, Texas 75074
(972) 934-5858 - tel
(972) 934-5859 – fax

Counsel for Plaintiffs

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on all parties through the Court's CM/ECF system, including those listed below, on July 26, 2023.

Dean Assaf
Aliassaf959@gmail.com
Pro se defendant

/s/ *Jeremy M. Masten*
Jeremy M. Masten

Tab 1



THE FEIN LAW FIRM, P.C.
ATTORNEYS AND COUNSELORS AT LAW
16800 North Dallas Parkway, Suite 105
Dallas, Texas 75248
Telephone 214-522-9596 ♦ Facsimile 214-522-9599

April 27, 2021

*Via Certified Mail, RRR 7020 0090 0001 1329 0103
and First Class Mail*

Dean Assaf a/k/a "DA Talk"
1014 E Alameda Street
Manteca, California 95336

USPS TRACKING # **9114 9999 5638 5041 3067 65**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

ERIC D. FEIN
Member of Texas, Illinois,
California & New York Bars

VICKIE S. BRANDT
Member of Texas Bar

OF COUNSEL:
HILDA HAHN MORALES
Member of Texas Bar

Re: Cease and Desist

Dear Mr. Assaf:

Please be advised that this firm represents John T. Lamont with regard to defamatory statements made by You to third parties beginning on or about March 1, 2021.

Following the publication of Mr. Lamont's 3D comic on March 1, 2021, you began what could only be described as a deliberate campaign to publicly humiliate, embarrass, ostracize and damage Mr. Lamont's reputation on a national basis. Once the comic series was posted in a CGDG stream, Defendants DA Talks and @VikkiVerse made statements regarding the comic, its content, and attributed directly and through innuendo defamatory statements about the author, John T. Lamont.

In a GDG stream, you along with VikkiVerse accused Mr. Lamont of sharing and participating "lolicon"¹ in Preston Poulter's discord server. You accused Mr. Lamont of discussing the ethics and morality of cartoon child pornography and participating in child pornography. You repeatedly accused Mr. Lamont of being a pedophile and of his artistic work being a pedophilic comic.

Optical Illusion Studios released #TheDemonatrix, a Daz3d comic series that premiered on March 1, 2021 and was written and illustrated by Plaintiff John T. Lamont. The storyline is a fictional. Mr. Lamont is not a pedophile, does not and has never participated in child pornography, and is an author and illustrator of animated fiction.

Beginning on March 1, 2021 you blatantly and maliciously accused John T. Lamont of being a pedophile, of sharing "Lolicon"² with others on the internet,

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A Japanese term derived from the English phrase "Lolita complex," **lolicon** describes a fascination with cartoons of very young-looking girls engaged in varying degrees of erotic behavior. (The word can be used to describe both the genre and its aficionados.)

Letter to Dean Assaf a/k/a "DA Talk"

April 27, 2021

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and that John T. Lamont was a diseased person who should be ostracized from society and/or be shot.

Among other statements, you made the following defamatory statements about Mr. Lamont on a public platform to VikkiVerse:

"3D depictions of little girls having sex shows the guy is a pediophilic."

"The guy is making f _____ be pedophilic comics."

"Loli in 3D renders it to be pedophilic".

"He is a diseased minded f _____ person who should be ostracized from society."

"John Lamont is a pedophile."

"John Lamont is attracted to drawings of children."

"John Lamont is a pedophile. They should be shot."

Again on April 12, 2021 you made statements to "Big Daddy" on a public platform. In your statements, you repeated your prior defamatory statements that accused Mr. Lamont of being a "pedophile" and "his comic is a pedophile comic." You further stated that he should "be shamed" and "not normalized."

You made the statements knowingly, with malice, and with the intent that your "audience" would listen to the statements and give credence to the veracity of your statements. Your statements are not privileged and are untrue.

Your statements damage Mr. Lamont's reputation and have exposed him to public hatred, contempt and ridicule. You have impeached his honesty, integrity, virtue, and reputation and exposed him to public hatred, and ridicule. Mr. Lamont has been further damaged and suffered financial injury because your defamatory statements are impacting revenue from his comics. The defamatory statements that accuse Mr. Lamont amount to an accusation of criminal conduct, deviant sexual behavior and are damaging to Mr. Lamont in his profession. Such statements constitute defamation per se under the law. They include: charging a person with the consequences of a crime; a statement that a person is involved in sexual misconduct; and a statement that injures a person in his office, business, profession, or occupation.

Demand is hereby made for you to immediately remove your defamatory statements regarding Mr. Lamont from your postings, servers and all social media outlets by May 4, 2021. Request is hereby made that retraction of your defamatory statements be made or corrections and/or clarification be made to alleviate the defamatory nature and import of your statements

Should you refuse to remove the defamatory comments and statements and postings and refuse to make a retraction, clarification or correction, our client has authorized this firm to move forward with all legal remedies, including filing a lawsuit. Based upon the type of defamatory

Letter to Dean Assaf a/k/a "DA Talk"

April 27, 2021

Page 3

statements you have made, if a lawsuit is filed, actual damages will be presumed. Because you have injured Mr. Lamont's reputation, he will be entitled to recover general damages, including damages for loss of reputation and mental anguish, in addition to the special damages for the financial harm to his business enterprise you have caused.

You should give this matter your immediate attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Eric D. Fein", with a stylized flourish at the end.

Eric D. Fein

EDF/tyh

Tab 2



THE FEIN LAW FIRM, P.C.
ATTORNEYS AND COUNSELORS AT LAW
16800 North Dallas Parkway, Suite 105
Dallas, Texas 75248
Telephone 214-522-9596 ♦ Facsimile 214-522-9599

May 10, 2021

*Via Certified Mail, 7020 0090 0001 1329 0011
and First Class Mail*

Mr. Dean Assaf a/k/a "DA Talks"
1014 E. Alameda Street
Manteca, California 95336

USPS TRACKING # **9114 9999 5638 5041 3067 96**
& CUSTOMER
RECEIPT
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.

Re: Cease and Desist

ERIC D. FEIN
Member of Texas, Illinois,
California & New York Bars

VICKIE S. BRANDT
Member of Texas Bar

OF COUNSEL:
HILDA HAHN MORALES
Member of Texas Bar

Dear Mr. Assaf:

Please be advised that this firm represents Preston Poulter with regard to defamatory statements made by you to third parties in April, 2021.

On March 1, 2021 John Lamont's 3D comic series was released and posted in a CGDG stream. You and Vikki Verse made statements regarding the comic, its content, and attributed directly and through innuendo defamatory statements about John Lamont.

On April 25, 2021, you and Vikki Verse were joined by Ethan Van Sciver on your YouTube channel. Ethan Van Sciver stated that he wanted to obtain the Comicsgate trademark and would protect the trademark by preventing Preston Poulter from publishing child pornography. In discussing the trademark dispute, Ethan Van Sciver said "In order to have a trademark you have to protect it. I will not allow it to be put on child pornography by Preston Poulter." You endorsed, agreed, adopted, and re-published Ethan Van Sciver's defamatory statements. In addition, you stated that Preston wanted to censor people and called him a "f**king asshole". On April 26, 2021 on your YouTube channel, Ethan Van Sciver repeated his accusation that Preston Poulter was a child pornographer. He stated "I don't want Preston to make child pornography and put Comicsgate on the label." You again endorsed, agreed, adopted, and re-published Ethan Van Sciver's defamatory remarks.

Contrary to your representations, Preston Poulter is a publisher, producer, writer and illustrator of gothic and fantasy comics that are primarily released through the internet and dedicated list serves. Mr. Poulter has never participated in child pornography, does not condone child pornography and has not published child pornography. He is an author and illustrator of animated fiction.

Your allegation is that Preston Poulter engaged in illegal behavior by calling Mr. Poulter a child pornographer.

Your April, 2021 statements damage Mr. Poulter's reputation and have exposed him to public hatred, contempt and ridicule. You have impeached his

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Dean Assaf a/k/a DA Talks

May 10, 2021

Page 2

Re: Cease and Desist

honesty, integrity, and reputation and exposed him to public hatred, and ridicule. Mr. Poulter has been further damaged and suffered financial injury because as the defamatory statements were and are designed to impact Mr. Poulter's business revenue and to impact the trademark case. You should be aware that defamatory statements accusing Mr. Poulter of criminal conduct and that damage Mr. Poulter in his profession constitute defamation per se. The law presumes certain categories of statements are defamatory per se, including statements that (1) unambiguously charge a crime, dishonesty, fraud, rascality, or general depravity or (2) that are falsehoods that injure one in his office, business, profession, or occupation.

Request is hereby made that you make a retraction and/or corrections and/or clarification to alleviate the defamatory nature and import of your statements.

Your refusal to make retractions, clarifications or corrections will result in our client obtaining all legal remedies available to him including punitive/exemplary damages. Based upon the type of defamatory statements you have made, if a lawsuit is filed, actual damages will be presumed. Because you have injured Mr. Lamont's reputation, he will be entitled to recover general damages, including damages for loss of reputation and mental anguish, in addition to the special damages for the financial harm to his business enterprise you have caused.

You should give this matter your immediate attention.

Very truly yours,



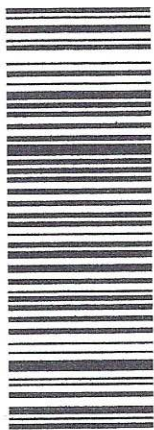
Eric D. Fein

cc: Client

THE FEIN LAW FIRM, P.C.
16800 Dallas Parkway
Suite 105
Dallas Texas 75248

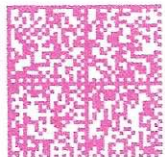
7020 0090 0001 1329 0011

Dean Assaf f/k/a "DA Talk"
1014 E. Alameda Street
Manteca, California 95336



CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$006.960
0001770731 MAY 10 2021
MAILED FROM ZIP CODE 75248

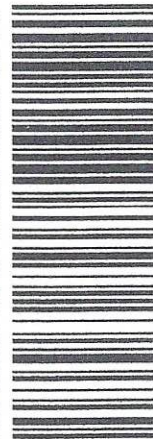
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>Dean Assaf f/k/a "DA-TALK" 1014 E. Alameda Street Manteca, California 95336</p> <p>2. Article Number (From Front of Envelope)</p> <p>7020 0090 0001 1329 0011</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Certified Mail Delivery <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>4. Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	

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16800 Dallas Parkway
Suite 105
Dallas Texas 75248



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9114 9999 5638 5041 3067 96

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Dean Assaf f/k/a "DA Talk"
1014 E. Alameda Street
Manteca, California 95336



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Tab 3

In the United States District Court
Northern District of Texas
Dallas Division

John T. Lamont and Preston	§	
Poulter	§	
Plaintiffs	§	
	§	
v.	§	No. 3:21-cv-1176-K-BN
	§	
Dean Assaf a/k/a DA Talk and	§	
Victoria Kundert a/k/a Vikkiverse	§	
Defendants	§	

Declaration of Preston Poulter

Preston Poulter, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The facts set out in this Declaration are based on my personal knowledge.
2. I am a named plaintiff in this matter.
3. Defendants' defamatory remarks and conduct damaged my comic business, which has a focus on revenue generation on the crowd-funding site Kickstarter. During my most recent campaign on Kickstarter, former customers refused to support me citing my association with a "pedophile." The overall performance suffered a 20% drop in the average funding contributions from the last major campaign in November of 2020.
4. My income stream has been negatively impacted by Defendants'

defamatory remarks and conduct. I project \$25,000 in lost revenue this year and at least \$75,000.00 over the next three (3) years.

5. I typically attend comic book conventions/gatherings to generate additional sales and exposure. I have already been cautioned about going and have fears for my safety due to the personal attacks. Allowing \$400.00 per diem (10 hrs. per day) for additional security at these events would cost me at least \$14,000.00 through the rest of 2021.

6. I have experienced and am experiencing significant stress, lack of sleep, vexation, anxiety and worry which have prompted me to seek psychological evaluation and treatment that has already cost me \$1,500.00. Preliminary estimates call for weekly therapy over the span of many years with no guarantee of recovery. Allowing \$275.00 per qualify therapist hour puts my mental health costs at \$41,250.00 for the next 36 months.

7. I will incur additional and heightened expenses for public relations to overcome and repair the damages to my reputation and business due to the defamatory statements in an amount to be determined through an expert witness.

8. I have experienced pain and mental anguish this year and have been prevented from being able to conduct daily life functions. I will continue to suffer pain and mental anguish for a long time into the future, especially since the defamatory remarks have been disseminated into a large part of the community of comic book professionals and enthusiasts. I seek in excess of \$100,000.00 in mental anguish damages for the devastating and

continue to suffer pain and mental anguish for a long time into the future, especially since the defamatory remarks have been disseminated into a large part of the community of comic book professionals and enthusiasts. I seek in excess of \$100,000.00 in mental anguish damages for the devastating and reprehensible unfounded accusations of Defendants.

9. Damages to my reputation also exceed \$100,000.00.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2022.

A handwritten signature in black ink, appearing to read 'P. Poulter', is written over a horizontal line.

Preston Poulter

Tab 4

EXHIBIT 6**Plaintiff Poulter's Crowdfunding Campaigns and Revenue¹
2015-2019**

TITLE	PLTF.*	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
White Lily Comic Book** ²	KS	0	20	16000	NO	10/24 - 11/23/2015	30
White Lily Issue #2 - WW II Comic Book Miniseries ³	KS	4,504	140	4,000	YES	04/24 - 05/24/2018	31
White Lily #3 Deadliest Female Fighter Pilots WW2*** ⁴	IGG	0	26	500	NO	n/a - 01/01/2019	n/a
Guinevere and The Divinity Factory #1 ⁵	IGG	5,545	239	5,000	YES	12/10 - 01/07/2019	28
Make 100: Limited Ed of Guinevere & the Divinity Factory #2 ⁶	KS	5,474	208	500	YES	12/26 - 01/25/2019	30
MAKE 100: Guinevere and the Divinity Factory #1 Sketch Cover ⁷	KS	1,473	90	480	YES	01/12 - 02/11/2019	30
MAKE 100: White Lily #2, Sketch Cover Variant Comic Book ⁸	KS	485	29	480	YES	02/28 - 03/30/2019	30
White Lily #3 - Story of Deadliest Female Combat Pilots Ever ⁹	KS	5,073	222	5,000	YES	05/09 - 06/08/2019	30
White Lily #3 Relaunch - WW2 Female Fighter Pilots ¹⁰	IGG	793	34	500	YES	08/19 - 09/18/2019	30
White Lily #4 - Love and Loss on the Eastern Front ¹¹	KS	6,292	280	5,000	YES	10/07 - 11/06/2019	30

*KS = Kickstarter, IGG = Indiegogo

** White Lily Comic Books raised \$1,298 from 20 backers and failed to reach its funding goal. The numbers are not included in the totals below.

*** White Lily #3 Deadliest Female Fighter Pilots WW2 raised \$353 from 26 backers and failed to reach its funding goal. The numbers are not included in the totals below.

**Plaintiff Poulter's Crowdfunding Campaigns and Revenue
2020**

¹ Data collected from publicly available information from the crowdfunding platforms Kickstarter (<https://www.kickstarter.com/>) and Indiegogo (<https://www.indiegogo.com/>) as well as two public web-sites that collect campaign data from crowdfunding websites, BackerTracker from Backerkit (<https://www.backerkit.com/backertracker>) and KickTrack (<https://www.kicktraq.com/>).

² <https://www.kickstarter.com/projects/pocketjacks/white-lily-comic-book/description>,

<https://www.kicktraq.com/projects/254514360/white-lily-comic-book/>

³ <https://www.kickstarter.com/projects/pocketjacks/white-lily-issue-2-ww-ii-comic-book-miniseries/description>,

<https://www.backerkit.com/projects/pocketjacks/white-lily-issue-2-ww-ii-comic-book-miniseries>

⁴ <https://www.indiegogo.com/projects/white-lily-3-deadliest-female-fighter-pilots-ww2#/>

⁵ <https://www.kickstarter.com/projects/pocketjacks/guinevere-and-the-divinity-factory-1/description>,

<https://www.backerkit.com/projects/pocketjacks/guinevere-and-the-divinity-factory-1>

⁶ <https://www.indiegogo.com/projects/guinevere-and-the-divinity-factory-comic-book#/>,

<https://www.backerkit.com/projects/guinevere-and-the-divinity-factory-comic-book>

⁷ <https://www.kickstarter.com/projects/pocketjacks/make-100-limited-ed-of-guinevere-and-the-divinity-factory-2/description>,

<https://www.backerkit.com/projects/pocketjacks/make-100-limited-ed-of-guinevere-and-the-divinity-factory-2>

⁸ <https://www.kickstarter.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-1-sket/description>,

<https://www.backerkit.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-1-sket>

⁹ <https://www.kickstarter.com/projects/pocketjacks/make-100-white-lily-2-sketch-cover-variant-comic-b/description>,

<https://www.backerkit.com/projects/pocketjacks/make-100-white-lily-2-sketch-cover-variant-comic-b>

¹⁰ <https://www.kickstarter.com/projects/pocketjacks/white-lily-3-story-of-deadliest-female-combat-pilo/description>,

<https://www.backerkit.com/projects/pocketjacks/white-lily-3-story-of-deadliest-female-combat-pilo>

¹¹ <https://www.kickstarter.com/projects/pocketjacks/white-lily-4-love-and-loss-on-the-eastern-front/description>,

<https://www.backerkit.com/projects/pocketjacks/white-lily-4-love-and-loss-on-the-eastern-front>

TITLE	PLTF*	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
White Lily #4 Virgin Cover - 1 of 100 ¹²	IGG	1,110	33	500	YES	12/03 - 02/01/2020	60
Guinevere and the Divinity Factory #2 - Magic Meets Sci-Fi ¹³	KS	6,220	237	5,000	YES	02/07 - 03/28/2020	30
Make 100: White Lily #5 - Double sized limited edition ¹⁴	KS	3,819	124	3,000	YES	05/01 - 05/08/2020	7
White Widow #4 and Guinevere #2 ¹⁵	KS	2,910	62	500	YES	04/13 - 05/13/2020	30
White Lily #5 Comic Main Issue : 40 Page Beautiful Color ¹⁶	KS	6,799	240	5,000	YES	06/05 - 06/26/2020	21
Make 100: Guinevere and the Divinity Factory #3 Adult Cover ¹⁷	KS	4,381	177	2,500	YES	07/22 - 08/05/2020	14
Guinevere and the Divinity Factory #3: Mega-campaign! ¹⁸	KS	11,409	282	5,000	YES	10/01 - 10/22/2022	21
White Lily: the Trade Paperback - 164 Full Color Pages ¹⁹	KS	5,424	135	5,000	YES	11/11 - 12/06/2020	26

* KS = Kickstarter, IGG = Indiegogo

¹² <https://www.indiegogo.com/projects/white-lily-4-virgin-cover-1-of-100/>,

<https://www.backerkit.com/projects/white-lily-4-virgin-cover-1-of-100>

¹³ <https://www.kickstarter.com/projects/pocketjacks/guinevere-and-the-divinity-factory-2-magic-meets-sci-fi/description>,

<https://www.backerkit.com/projects/pocketjacks/guinevere-and-the-divinity-factory-2-magic-meets-sci-fi>

¹⁴ <https://www.kickstarter.com/projects/pocketjacks/white-lily-5-the-story-concludes-in-a-double-sized-ending/description>,

<https://www.backerkit.com/projects/pocketjacks/white-lily-5-the-story-concludes-in-a-double-sized-ending>

¹⁵ <https://www.indiegogo.com/projects/white-widow-4-and-guinevere-2#/>,

<https://www.backerkit.com/projects/white-widow-4-and-guinevere-2>

¹⁶ <https://www.kickstarter.com/projects/pocketjacks/white-lily-5-comic-main-issue-40-page-beautiful-color/description> ,

<https://www.backerkit.com/projects/pocketjacks/white-lily-5-comic-main-issue-40-page-beautiful-color>

¹⁷ <https://www.kickstarter.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-3-adult-cover/description>,

<https://www.backerkit.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-3-adult-cover>

¹⁸ <https://www.kickstarter.com/projects/pocketjacks/guinevere-and-the-divinity-factory-3-mega-campaign/description>,

<https://www.backerkit.com/projects/pocketjacks/guinevere-and-the-divinity-factory-3-mega-campaign>

¹⁹ <https://www.kickstarter.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-5/description>,

<https://www.backerkit.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-5>

Plaintiff Poulter's Crowdfunding Campaigns and Revenue 2021

TITLE	PLTF	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
Guinevere and the Divinity Factory #3 & #4 ²⁰	IGG	963	31	500	YES	11/20 - 01/19/2021	60
Make 100: Guinevere and the Divinity Factory #4 ²¹	KS	3,691	142	2,500	YES	02/05 - 02/18/2021	14
Guinevere and the Divinity Factory #4: Mega-campaign ²²	KS	10,171	315	5,000	YES	04/06 - 04/29/2021	21
Make 100: Guinevere and the Divinity Factory #5 ²³	KS	8,175	253	2,500	YES	06/22 - 07/08/2021	17
Guinevere and the Divinity Factory #5 / Trade Paperback ²⁴	KS	14,081	325	5,000	YES	08/05 - 08/26/2021	21
Primal Chaos #1 by first time comic creator Larry Holder ^{*25}	KS	2,601	96	2,000	YES	09/30 - 10/14/2021	15
Make 100: Lords of Iron #1 Naughty / Nice Cover ²⁶	KS	3,930	121	3,500	YES	11/02 - 11/11/2021	10

* The IP *Primal Chaos* is owned by first time comic creator Larry Holder. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below.

²⁰ <https://www.indiegogo.com/projects/guinevere-and-the-divinity-factory-3-4#/>,
<https://www.backerkit.com/projects/guinevere-and-the-divinity-factory-3-4>

²¹ <https://www.kickstarter.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-4/description>,
<https://www.backerkit.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-4>

²² <https://www.kickstarter.com/projects/pocketjacks/guinevere-and-the-divinity-factory-4-mega-campaign/description>,
<https://www.backerkit.com/projects/pocketjacks/guinevere-and-the-divinity-factory-4-mega-campaign>

²³ <https://www.kickstarter.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-5/description>,
<https://www.backerkit.com/projects/pocketjacks/make-100-guinevere-and-the-divinity-factory-5>

²⁴ <https://www.kickstarter.com/projects/pocketjacks/guinevere-and-the-divinity-factory-5-value-campaign/description>,
<https://www.backerkit.com/projects/pocketjacks/guinevere-and-the-divinity-factory-5-value-campaign>

²⁵ <https://www.kickstarter.com/projects/pocketjacks/primal-chaos-1-by-first-time-comic-creator-larry-holder/description>,
<https://www.backerkit.com/projects/pocketjacks/primal-chaos-1-by-first-time-comic-creator-larry-holder>

²⁶ <https://www.kickstarter.com/projects/pocketjacks/make-100-lords-of-iron-1-naughty-nice-cover/description>,
<https://www.backerkit.com/projects/pocketjacks/make-100-lords-of-iron-1-naughty-nice-cover>

Plaintiff Poulter's Crowdfunding Campaigns and Revenue 2022

TITLE	PLTF	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
Of Time and Space: The Lunar Rise #1 ^{*27}	KS	2,972	113	500	YES	12/08 - 01/01/2022	25
Make 100: Palace of the Golden Princess #1 ²⁸	KS	8,453	300	2,500	YES	01/20 - 02/03/2022	14
Lords of Iron #1 Value Campaign ²⁹	KS	5,094	158	5,000	YES	02/17 - 03/10/2022	17
Palace of the Golden Princess #1 ³⁰	KS	5,655	153	5,000	YES	06/23 - 07/21/2022	29
Palace of the Golden Princess #2 ³¹	KS	10,000	292	5,000	YES	09/14 - 10/06/2022	21
Make 100: Lords of LA #1, Marilyn Cover ^{**32}	KS	2,010	46	500	YES	11/25 - 12/09/2022	14

* The IP *Primal Chaos* is owned by comic creator Larry Holder³³. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below

** * The IP *Lords of LA* is owned by comic creator Frank Zanca³⁴. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below

*** The IP *African Superhero: Son of Solar* is owned by comic creator Molby Mogare Jean³⁵. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below.

****The IP *Angel of Darkness* is owned by Plaintiff John Lamont. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below

²⁷ <https://www.kickstarter.com/projects/pocketjacks/value-campaign-lords-of-iron-1/description>,
<https://www.backerkit.com/projects/pocketjacks/value-campaign-lords-of-iron-1>

²⁸ <https://www.kickstarter.com/projects/pocketjacks/make-100-palace-of-the-golden-princess-1/description>,
<https://www.backerkit.com/projects/pocketjacks/make-100-palace-of-the-golden-princess-1>

²⁹ <https://www.kickstarter.com/projects/pocketjacks/lords-of-iron-1-value-campaign/description>,
<https://www.backerkit.com/projects/pocketjacks/lords-of-iron-1-value-campaign>

³⁰ <https://www.kickstarter.com/projects/pocketjacks/palace-of-the-golden-princess/description>,
<https://www.backerkit.com/projects/pocketjacks/palace-of-the-golden-princess>

³¹ <https://www.kickstarter.com/projects/pocketjacks/palace-of-the-golden-princess-2/description>,
<https://www.backerkit.com/projects/pocketjacks/palace-of-the-golden-princess-2>

³² <https://www.kickstarter.com/projects/pocketjacks/lords-of-la-1-marilyn-cover/description>,
<https://www.backerkit.com/projects/pocketjacks/palace-of-the-golden-princess-2>

³³ <https://www.kickstarter.com/profile/pchaos2>

³⁴ <https://www.kickstarter.com/projects/1169263915/lords-of-la-graphic-novel-vampire-mob-the-1950s/description>,
<https://www.kickstarter.com/profile/1169263915/about>

³⁵ <https://www.kickstarter.com/profile/molbymogarejean>

Plaintiff Poulter's Crowdfunding Campaigns and Revenue 2023

TITLE	PLTF	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
African Superhero: Son Solar #1 ^{*36}	KS	723	27	500	YES	02/22 - 03/02/2023	9
Marissa Pope: Naughty / Nice Sexy LE Comic Cover ^{**37}	KS	5,849	118	500	YES	03/21 - 03/30/2023	7
OSE Quest for the Ruby Heart Adventure Path #1 ³⁸	KS	3,067	81	500	YES	05/19 - 06/08/2023	26

* The IP *African Superhero: Son of Solar* is owned by comic creator Molby Mogare Jean³⁹. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below.

**The IP *Angel of Darkness* is owned by Plaintiff John Lamont. This campaign, hosted by Poulter on Kickstarter, is not his Intellectual Property and is not included in the totals below.

³⁶ <https://www.kickstarter.com/projects/pocketjacks/african-superhero-son-solar-1/description>,
<https://www.backerkit.com/projects/pocketjacks/african-superhero-son-solar-1>

³⁷ <https://www.kickstarter.com/projects/pocketjacks/marissa-pope-naughty-nice-sexy-le-comic-cover/description>,
<https://www.backerkit.com/projects/pocketjacks/marissa-pope-naughty-nice-sexy-le-comic-cover>

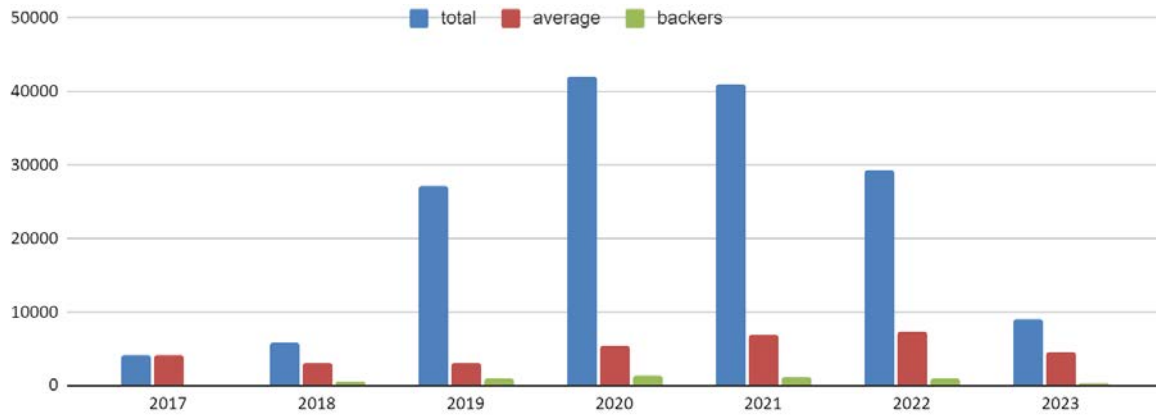
³⁸ https://www.kickstarter.com/projects/pocketjacks/ose-quest-for-the-ruby-heart-adventure-path-1?ref=profile_created,
<https://www.backerkit.com/projects/pocketjacks/ose-quest-for-the-ruby-heart-adventure-path-1>

³⁹ <https://www.kickstarter.com/profile/molbymogarejean>

Plaintiff Poulter's Crowdfunding Revenue Totals

YEAR	TOTAL	PROJECTS	AVERAGE	BACKERS	Avg. BACKERS
2017	\$4,120	1	\$4,120	103	103
2018	\$5,803	2	\$2,903	448	228
2019	\$27,065	8	\$3,007	896	99
2020	\$42,072	8	\$5,259	1,288	161
2021	\$41,011	6	\$6,835	1,156	192
2022	\$29,202	4	\$7,301	903	226
2023	\$8,916	2	\$4,459	199	100

PRESTON POULTER'S CROWDFUND REVENUE



Tab 5

In the United States District Court
Northern District of Texas
Dallas Division

John T. Lamont and Preston	§	
Poulter	§	
Plaintiffs	§	
	§	
v.	§	No. 3:21-cv-1176-K-BN
	§	
Dean Assaf a/k/a DA Talk and	§	
Victoria Kundert a/k/a Vikkiverse	§	
Defendants	§	

Declaration of John T. Lamont

John T. Lamont, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The facts set out in this Declaration are based on my personal knowledge.
2. I am a named plaintiff in this matter.
3. I launched my first comic, The Demonatrix on March 1, 2021 with projected sales of \$5,000.00. On the same day the comic was launched, Defendants Ali "Dean" Assaf and Victoria Kundert began an intense campaign of denigration and vilification of me calling me a pedophile. Comic book sales immediately stalled. Some prospective customers refused to support the campaign citing allegations of being a pedophile. Poor sales forced the campaign's cancellation.

4. ~~Despite having previously approved The Demonatrix for their platform, Kickstarter rejected it upon re-submission by me. Kickstarter declined to approve my next book project "Angel of Darkness." Defendants' defamatory statements have chilled all future sales opportunities for me because Kickstarter has shut me out with unprecedented demands. As a result of the defamatory statements, Kickstarter has now also rejected my next comic book project "Angel of Darkness." Defendants' defamatory statements have chilled all future sales opportunities for me because Kickstarter has shut me down with unreasonable demands. Based upon my projections of 4-5 comics per year I will suffer in a loss of approximately \$25,000.00 in annual sales and at least \$75,000.00 for the next 3 years.~~

5. As a result of the acts of Defendants' conduct, I have experienced significant stress, anxiety, sleeplessness, headaches, stomach pains and a racing heart. I have been unable to participate in the comic community without suffering from heart palpitations and anxiety.

6. I have kept to myself for fear of his safety. I have isolated myself and stopped going out for fear of my life, I experienced anxiety attacks on those occasions when I did go into town as well as shortness of breath and accelerated heart rate. I suffered from many sleepless nights, and has resorted to involuntary stress eating, has gained a significant amount of weight, my cholesterol is high and my doctor has expressed concern for my overall health. I have also been forced to keep to myself for fear that others who are not in the comic community will learn of the defamatory comments.

7. I fear for my personal safety. After I was doxxed, I had to notify the local sheriff's department because I fear that I will be harmed and fears for the safety of my family members. In addition, it is typical for comic book authors to attend trade gatherings to promote additional and future sales. I am afraid to attend the upcoming show due to fears that I will be ostracized, assaulted and fears for my personal safety based upon the defamatory statements. This constitutes an expected loss of sales due to not attending conventions and meetings of approximately \$5,000.00 to \$10,000.00 per year

8. I will incur additional and heightened expenses for public relations to overcome and repair the damages to my reputation and business due to the defamatory statements in an amount to be determined through an expert witness.

9. I have had to pursue counseling and will have weekly visits for the foreseeable future. My therapist charges \$160.00 per hour and my expected costs for therapy is approximately \$24,960.00 for the next 3 years.

10. I am experiencing symptoms of PTSD that come on suddenly such that I cannot function as I have in the past. I have experienced pain and mental anguish this year and have been prevented from being able to conduct daily life functions. I will continue to suffer pain and mental anguish for a long time into the future, especially since the defamatory remarks have been disseminated to a large part of the community of comic book professionals and enthusiasts. I seek in excess of \$150,000.00 in mental anguish damages for the devastating and reprehensible unfounded accusations of Defendants.

11. Damages to my reputation also exceed \$150,000.00.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 2, 2022.

John T. Lamont

Tab 6

EXHIBIT 7**Plaintiff John Lamont's Kickstarter Campaigns and Revenue¹**

TITLE	TOTAL	BACKERS	GOAL	FUNDED	DATES	DAYS
The Demonatrix #1 (Canceled) ²	0	4*	1500*	NO	03/15/ - 03/16/2021	1
Angel of Darkness #1 ³	4,266	141	3,500	YES	10/01 - 11/01/2021	32
Spirit of The Dragon #1 Make 100 ⁴	8,514	204	3,500	YES	01/01 - 02/01/2022	26
Angel of Darkness 2 #Make100 ⁵	12,225	235	3,500	YES	05/03 - 06/21/2022	22
Spirit of The Dragon #2 ⁶	14,499	267	3,500	YES	09/05 - 09/26/2022	22
Angel of Darkness #3 - #Make100 ⁷	11,310	265	3,500	YES	0/09 - 01/30/2023	22
Spirit of The Dragon #3 ⁸	13,785	261	3,500	YES	205/29 - 06/19/2023	22

* The Demonarix #1 raised \$26 from 4 backers before being canceled by Lamont. These numbers are not included in the totals below

Year	Total Raised	Projects	Average	Backers	Avg. Backers
2021	\$4,266	1	\$4,266	141	141
2022	\$35,238	3	\$11,746	706	236
2023	\$25,095	2	\$12,548	526	263

¹ Data collected from publicly available information from Kickstarter (<https://www.kickstarter.com/>), a crowdfunding Platform, as well as two public websites that collect campaign data from crowdfunding websites, BackerTracker from Backerkit (<https://www.backerkit.com/backertracker>) and KickTrack (<https://www.kicktraq.com/>).

² https://www.kickstarter.com/projects/jtl2/the-demonatrix-1?ref=profile_created,
<https://www.kicktraq.com/projects/jtl2/the-demonatrix-1/>

³ https://www.kickstarter.com/projects/jtl2/angel-of-darkness-1?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/angel-of-darkness-1>

⁴ https://www.kickstarter.com/projects/jtl2/spirit-of-the-dragon-1?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/spirit-of-the-dragon-1>

⁵ https://www.kickstarter.com/projects/jtl2/angel-of-darkness-2?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/angel-of-darkness-2>

⁶ https://www.kickstarter.com/projects/jtl2/spirit-of-the-dragon-2?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/angel-of-darkness-2>

⁷ https://www.kickstarter.com/projects/jtl2/angel-of-darkness-3?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/angel-of-darkness-2>

⁸ https://www.kickstarter.com/projects/jtl2/spirit-of-the-dragon-3?ref=profile_created,
<https://www.backerkit.com/projects/jtl2/spirit-of-the-dragon-3>

Tab 7

In the United States District Court
Northern District of Texas
Dallas Division

John T. Lamont and Preston	§	
Poulter	§	
Plaintiffs	§	
	§	
v.	§	No. 3:21-cv-1176-K-BN
	§	
Dean Assaf a/k/a DA Talk and	§	
Victoria Kundert a/k/a Vikkiverse	§	
Defendants	§	

Plaintiffs' Rule 26 Initial Disclosures

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiffs make the following disclosures:

- (i) **the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

The parties:

- Plaintiffs John T. Lamont and Preston Poulter, c/o Jeremy M. Masten, HAWASH CICACK & GASTON LLP, 3401 Allen Parkway, Suite 200, Houston, Texas 77019
- Defendant Dean Assaf a/k/a DA Talk, pro se, 1014 E. Alameda Street, Manteca, California 95336

Former parties:

- Ethan Van Sciver, c/o Scott Houtteman, 10560 Main Street, Suite 420, Fairfax, Virginia 22020

- Victoria Kundert, 101 East Main Street, Wallace, North Carolina 28466

Custodians of Records:

- YouTube, subsidiary of Google LLC, Corporation Service Company dba CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701
- Kickstarter, PBC, c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801
- Twitter Inc., 1355 Market Street, San Francisco, California 94103
- KiwiFarms.net

(ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

Various videos posted on YouTube and published on at least the following dates:

- February 28 and May 2, 2021 (Defendant Assaf's channel);
- March 1 and April 25, 2021 (Kundert's channel);
- March 1 and 2, 2021 (K-Log's channel);
- April 8, 2021 (Bid Daddy's channel);
- June 6, 2021 (Spectre Report);

Defendants' Twitter and other social media feeds.

Plaintiffs' various comic books and campaigns.

- (iii) **a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and**

Preston Poulter:

- \$100,000 in lost sales through Kickstarter;
- \$14,000 in increased security costs in 2021;
- \$1,500 in past therapy costs;
- \$41,250 in future therapy costs;
- \$100,000 in mental anguish damages; and
- \$100,000 in general damages for harm to his reputation.

John T. Lamont:

- \$30,000 in lost sales due to not attending conventions and meetings;
- \$24,960 in therapy costs;
- \$150,000 in mental anguish damages; and
- \$150,000 in general damages for harm to his reputation.

Exemplary damages in an amount to be determined by the jury.

- (iv) **for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Plaintiffs are not aware of any responsive documents.

Respectfully submitted,

/s/ *Jeremy M. Masten*
Jeremy M. Masten
Texas Bar No. 24083454
jmasten@hcgllp.com
HAWASH CICACK & GASTON LLP
3401 Allen Parkway, Suite 200
Houston, Texas 77019
(254) 307-9185

M. Sameer Ahmed
THE AHMED FIRM PLLC
Texas Bar No. 24001631
sameer@theahmedfirm.com
13601 Preston Road, Suite E770
Dallas, Texas 75240
(972) 934-5858 - tel
(972) 934-5859 – fax

Counsel for Plaintiffs

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on all parties through the Court's CM/ECF system, including those listed below, on April 18, 2022.

Dean Assaf
Aliassaf959@gmail.com
Pro se defendant

Jeremy M. Masten

Tab 8

In the United States District Court
Northern District of Texas
Dallas Division

John T. Lamont and Preston	§	
Poulter	§	
Plaintiffs	§	
	§	
v.	§	No. 3:21-cv-1176-K-BN
	§	
Dean Assaf a/k/a DA Talk and	§	
Victoria Kundert a/k/a Vikkiverse	§	
Defendants	§	

Plaintiffs' Rule 26 Supplemental Initial Disclosures

Pursuant to Fed. R. Civ. P. 26(a)(1) and 26(e), Plaintiffs make the following disclosures:

- (i) **the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

The parties:

- Plaintiffs John T. Lamont and Preston Poulter, c/o Jeremy M. Masten, P.O. Box 541411, Houston, Texas 77254;
- Defendant Dean Assaf a/k/a DA Talk, pro se, 1014 E. Alameda Street, Manteca, California 95336

Former parties:

- Ethan Van Sciver, c/o Scott Houtteman, 10560 Main Street, Suite 420, Fairfax, Virginia 22020

- Victoria Kundert, 101 East Main Street, Wallace, North Carolina 28466

Other Witnesses:

- Jeffrey C. Siegel, Ph.D., ABPP, Forensic and Clinical Psychology, 17330 Preston Rd., Ste. 110B, Dallas, Texas 75252; (972) 960-1472. Provided counseling and therapy services to Preston Poulter.
- Richard M. Santoro, 5006 Wellington Avenue, Box 2701, Ventnor City, New Jersey 08406. Security consultant.
- Michael Dattolo, Web Presence, LLC, d/b/a NetReputation.com, 1100 N Tuttle Ave, Ste 12 Sarasota, Florida 34237. Internet reputation management vendor.

Custodians of Records:

- YouTube, subsidiary of Google LLC, Corporation Service Company dba CSC - Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701
- Kickstarter, PBC, c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801
- Twitter Inc., 1355 Market Street, San Francisco, California 94103
- KiwiFarms.net

(ii) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

Various videos posted on YouTube and published on at least the following dates:

- February 28 and May 2, 2021 (Defendant Assaf's channel);
- March 1 and April 25, 2021 (Kundert's channel);
- March 1 and 2, 2021 (K-Log's channel);

- April 8, 2021 (Bid Daddy's channel); and
- June 6, 2021 (Spectre Report).

A video posted on Poulter's channel on March 10, 2023.

Defendants' Twitter and other social media feeds.

Plaintiffs' various comic books and campaigns.

Deposition of Victoria Kundert in *John T. Lamont and Preston Poulter v. Ethan Van Sciver et al.*, No. BUR-L-000689-22, General Court of Justice, Superior Court Division, Burlington County, New Jersey.

These documents are in Plaintiffs' possession, custody, or control, and will be produced upon request and in accordance with Fed. R. Civ. P. 26(a)(3).

(iii) a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and

Preston Poulter:

- \$100,000 in lost sales through Kickstarter;
- \$14,000 in increased security costs in 2021;
- \$1,500 in past therapy costs;
- \$41,250 in future therapy costs;
- \$100,000 in mental anguish damages; and
- \$100,000 in general damages for harm to his reputation.

John T. Lamont:

- \$30,000 in lost sales due to not attending conventions and meetings;
- \$24,960 in therapy costs;

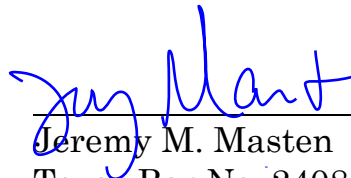
- \$150,000 in mental anguish damages; and
- \$150,000 in general damages for harm to his reputation.

Exemplary damages in an amount to be determined by the jury.

(iv) for inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Plaintiffs are not aware of any responsive documents.

Respectfully submitted,



Jeremy M. Masten
Texas Bar No. 24083454
jeremy@themastenlawfirm.com
P.O. Box 541411
Houston, Texas 77254
(254) 307-9185

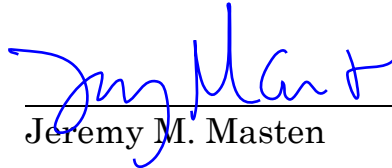
M. Sameer Ahmed
THE AHMED FIRM PLLC
Texas Bar No. 24001631
sameer@theahmedfirm.com
555 Republic Drive, Suite 300
Plano, Texas 75074
(972) 934-5858 - tel
(972) 934-5859 – fax

Counsel for Plaintiffs

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on all parties through the Court's CM/ECF system, including those listed below, on July 10, 2023.

Dean Assaf
Aliassaf959@gmail.com
Pro se defendant



Jeremy M. Masten

Tab 9

1 FOR THE DEFENDANT: MR. SCOTT HOUTTEMAN
 HOUTTEMAN LAW LLC
2 12017 LEE JACKSON MEMORIAL HIGHWAY
 FAIRFAX, VIRGINIA 22033

3
4 ALSO PRESENT: MR. PRESTON POULTER
 MR. JOHN T. LAMONT

5
6 COURT REPORTER: AIMEE C. RIGSBY
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1 STIPULATIONS: PRIOR TO THE GIVING OF ANY TESTIMONY
2 BY THE WITNESS, IT WAS EXPRESSLY STIPULATED AND AGREED BETWEEN
3 THE PARTIES TO THIS ACTION, THROUGH THEIR RESPECTIVE COUNSEL,
4 THAT:

5 1. BY NOTICE AND/OR CONSENT, THE DEPOSITION OF
6 VICTORIA CAMILLE KUNDERT WAS TAKEN ON THE 14TH DAY OF MARCH,
7 2023, BEGINNING AT 10:08 A.M., AT THE DUPLIN COUNTY
8 COURTHOUSE, 2ND FLOOR LIBRARY, LOCATED AT 112 DUPLIN STREET,
9 KENANSVILLE, NORTH CAROLINA, BEFORE AIMEE C. RIGSBY, A COURT
10 REPORTER AND NOTARY PUBLIC IN AND FOR THE COUNTY OF PITT.

11 2. READING AND SIGNING OF THE TRANSCRIPT OF
12 TESTIMONY BY THE WITNESS IS NOT WAIVED.

13 * * * * *

14
15 EXAMINATION OF THE WITNESS

16 BY MR. SCOTT HOUTTEMAN PAGES 5 - 53

17 BY MR. JEREMY MASTEN PAGES 53 - 83

18 BY MR. SCOTT HOUTTEMAN PAGES 83 - 86
19
20
21
22
23
24
25

Page 4

INDEX OF EXHIBIT

EXHIBIT [1] - NOTICE OF DEPOSITION

PAGE 5

1 VICTORIA CAMILLE KUNDERT, BEING BY ME FIRST DULY
2 AFFIRMED TO SPEAK THE TRUTH, DEPOSES AND SAYS:

3 ON EXAMINATION CONDUCTED BY MR. SCOTT HOUTTEMAN:

4 Q. All right. My name is Scott Houtteman, and I am an
5 attorney for Ethan Van Sciver. And let's start with Exhibit
6 [1]. The one and only exhibit. Do you recognize that
7 exhibit?

8 A. Yes.

9 Q. Tell us what it is.

10 A. This is the notice of deposition.

11 Q. And are you here in response to that notice of
12 deposition?

13 A. Yes, I am.

14 Q. All right. Hold on a second. Can you please state
15 your name for the record?

16 A. Victoria Camille Kundert.

17 Q. And this deposition is for a person at the
18 VikkiVerse YouTube channel. What is your job title at the
19 VikkiVerse YouTube channel?

20 A. I own the channel. It's my YouTube channel.

21 Q. I note that DA Talks also appears on that YouTube
22 channel. What is -- who is that?

23 A. He is my co-host.

24 Q. Did you review the topics listed in the notice on
25 Schedule A?

1 A. Yes.

2 Q. And are you designated -- are you the designated
3 witness for all of the topics?

4 A. Yes.

5 Q. All right. I also note --

6 MR. KAROUNOS: This is Chris Karounos. I want to
7 know for the record the witness voice is a little bit soft,
8 while I'm sure the court reporter's able to hear her, and she
9 is the most important person in the room, --

10 MS. KUNDERT: I'll speak up.

11 MR. KAROUNOS: -- if you can get a little closer to
12 you perhaps, or if there's a microphone. I don't want to have
13 you like yell. Yell if you need to. We won't be offended.
14 But we need to be just able to hear you.

15 Q. I'll try to move it a little bit closer. That
16 should help.

17 MR. KAROUNOS: You're very loud. So if it goes
18 closer to her, we're not going to have a problem hearing you
19 at all.

20 Q. Okay. I'm going to put the tripod on the table, so
21 let's go off the record.

22 COURT REPORTER'S NOTE: An off-the-record break was
23 taken from 10:11 a.m. until 10:13 a.m.

24 MR. HOUTTEMAN: Okay. So back on the record. Would
25 opposing counsel like to enter their appearances for the

1 purposes of the official record?

2 MR. KAROUNOS: Yeah, the court reporter has
3 everybody's -- those -- all those in attendance. But this is
4 Christopher Karounos, primary counsel for -- Jersey counsel
5 for the plaintiffs. And just before the deposition begins
6 Jeremy Masten counsel is also here as well as both plaintiffs.
7 So, just so the record is clear. Before the questioning
8 begins, I do note that this deposition notice was sent at
9 10:43 p.m. on Friday, March 3rd, by the rules of Court, the
10 ten day requirement which really would be -- deemed received
11 would be on Monday. We are making accommodations for the
12 deposition to occur, even though also under Rule 1:5 the
13 deposition is supposed to be taking place at a location that
14 is mutually convenient for all. However, the witness is
15 there. Mr. Houtteman is there. So we are making the
16 accommodation. Given the time that's involved if there was
17 requirement for follow up for the deposition, plaintiffs do
18 reserve the right to have a deposition via Zoom, obviously,
19 not expecting people to travel for issues that were not
20 covered due to the time constraints.

21 MR. HOUTTEMAN: Also, are you going to designate
22 which attorney is going to be handling any cross-examinations?

23 MR. KAROUNOS: There is no requirement for that.
24 Mr. Masten, I believe, will be handling most of it. If there
25 are issues or follow-up that need to be done, we will confer

1 and either I will let him know or I'll finish anything that
2 needs to be followed up.

3 MR. HOUTTEMAN: Well, I am only going to let one
4 attorney cross-examine, as is customary. You both -- you are
5 not going to have any tag-team.

6 MR. KAROUNOS: Well, since this isn't your client,
7 you don't have a right to allow anything. And given that Mr.
8 Masten will be primarily asking the questions, that I believe
9 he will be the one primarily asking the questions, there is
10 nothing in the rules that prohibit both of us from asking
11 questions if necessary. So unless you can point me to a rule
12 that I'm missing. I am being candid in that fact that he will
13 be handling the primary questioning, but I'm certainly not
14 going to preclude myself from addressing any issues that need
15 to be raised at the end of the deposition if necessary. It
16 may not -- may not need be.

17 MR. HOUTTEMAN: Well, no problem. I will just make
18 an objection. You know I'm not going to stop you from asking
19 your questions. But it will just be subject to my objection.
20 And, you know, if The Court feels that there is nothing wrong
21 with it, then the questioning will be allowed. And it's just,
22 you know, fair notice that if you want to guarantee that the
23 questioning is on the record, then just have one attorney make
24 all the questions. All right.

25 MR. KAROUNOS: Yes, sir. I'm not worried about that

1 but thank you for bringing it up.

2 MR. HOUTTEMAN: All right.

3 ON CONTINUED EXAMINATION CONDUCTED BY MR. SCOTT

4 HOUTTEMAN:

5 Q. So let's go on with the questioning. In response to
6 this deposition you also provided some files, right?

7 A. Yes.

8 Q. Okay. Let's review those files. I'm going to --
9 there is fifty-five of them. So I don't want to go into any
10 of them in any great detail. But I want you to identify them,
11 at least give us the title and what's in them. So first,
12 let's look at -- and you can handle this computer yourself.

13 A. Sure.

14 Q. So you've provided your files into three subfolders,
15 correct?

16 A. Yes.

17 Q. What are the names of the three subfolders?

18 A. Chat downloads, DED Live, and Lifetime analytics.

19 Q. And just, generally, what is in each of the folders?

20 A. The first folder are some downloads of actual chats
21 from YouTube. And this -- so that's the chat downloads
22 folder. The DED live folder is analytics relating to the
23 livestream that took place on April 24th, I think -- or the
24 25th. And the lifetime analytics is the lifetime analytics of
25 my channel since its inception.

1 Q. All right. Go ahead and open the top folder, and
2 let's just go through briefly the title of each of the files
3 and what they contain.

4 A. Sure. That actually has three, three subfolders in
5 it. One folder is 2020-04 through 06, which is the date
6 designation. So that's April through June of 2020, and those
7 are the livestream chats from that time period. The -- those
8 are Talkin' Ribbit Coin with Ethan Van Sciver.

9 Q. Well, let me just interrupt. Why don't you just
10 list how many folders --

11 A. Sure. There is four.

12 Q. -- are in there.

13 A. Yeah, there is three folders. So the second folder
14 is 2020-07-09 which July through September of 2020. And then
15 the third folder is 2021-03 through 05. So that's March
16 through May --

17 Q. So these are the livestreams --

18 A. -- of 2021.

19 Q. -- these are the chats from the livestreams that you
20 had in the months of March through May of 2021, correct?

21 A. Yes.

22 Q. All right. And I think we can quickly go through
23 the other two folders. I imagine it's the same thing but just
24 different time periods?

25 A. Yes, just different time periods.

1 Q. So let's just --

2 MR. KAROUNOS: Counsel, I hate to interrupt. I have
3 to give, not an objection but a statement. I don't have these
4 documents if they were not part of the email and link that you
5 sent last night. And if you just received them they were not
6 uploaded yet. I'm okay getting them down the road. But,
7 however, since you're not sharing your screen, we cannot see
8 anything that you are referencing. So I just want to note
9 that for the record there may be a follow-up on these items
10 that were not produced.

11 MR. HOUTTEMAN: Well --

12 MR. KAROUNOS: You can question her on them, of
13 course.

14 MR. HOUTTEMAN: Well, first of all, I think you got
15 these. You asked me for a link to the video, remember? I
16 included these --

17 MR. KAROUNOS: I have the video, yes.

18 MR. HOUTTEMAN: Yeah. I included these files in
19 that same link.

20 MR. KAROUNOS: Okay. The sum total may not have
21 downloaded then. And since I'm in the car I cannot confirm.
22 But if that was in the link, I will take Counsel's
23 representation. And either way, you are absolutely able to
24 continue. I just wanted to note you are not sharing the
25 screen so I can't see what you're referencing. And if I am

1 incorrect, I apologize for the interruption.

2 MR. HOUTTEMAN: It's all right. I'm not going to be
3 discussing them in any detail. I'm just going to be
4 authenticating them to this witness since she's the one that
5 provided them. And later on, just get in touch with me.
6 There are 55 total files. And if you don't have all 55, I'll
7 see that you get them. But you won't be prejudice because I'm
8 not going to be talking about them. They're just going to be
9 part of a discovery record that either party can use. All
10 right?

11 MR. KAROUNOS: Understood and no objection.

12 ON CONTINUED EXAMINATION CONDUCTED BY MR. HOUTTEMAN:

13 Q. All right. So let's just quickly go through the
14 other two subfolders which cover -- what time periods do they
15 cover and how many chats --

16 A. Sure.

17 Q. -- are in them?

18 A. There is 04 through 06 of 2020. And there are four
19 different livestreams.

20 Q. Okay. That's the one that I think you just talked
21 about.

22 A. That's the earliest one. That's the -- from the
23 very beginning of my channel. And then there is 2020 July
24 through September, and there are six videos -- chats.

25 Q. So those are -- just to be clear, those are the sets

1 of chats from each of the six --

2 A. Yes.

3 Q. -- videos?

4 A. Yes.

5 Q. So those contain all of the chats that happened
6 during your livestream for each of those six livestreams?

7 A. Yes.

8 Q. All right. What's the last one?

9 A. And the last one is the March through May of 2021.
10 And it has five files.

11 Q. So it sounds to me like what you did was provide all
12 of the chats for all of the history of your channel up and to
13 the April 25th livestream?

14 A. No, it is not all of the chats from every
15 livestream. It is just a sampling from different time
16 periods.

17 Q. Okay. So it's a --

18 A. So it's the beginning, sort of the middle, and then,
19 when this incident happened.

20 Q. So it's an arbitrary sampling from among the
21 livestreams that were all before the April 25th, 2021,
22 livestream, correct?

23 A. The third folder has after, as well. A couple that
24 were after. When it was after, sorry.

25 Q. Okay. So we can look at the dates and determine

1 exactly what those dates are.

2 A. Yeah, they're all dated.

3 Q. Okay. Well, let's go on. Like I say, there is
4 55, so go back up and describe for the record what folder you
5 are going to be looking in now.

6 A. That is the DED Live, which was the livestream that
7 took place on the 25th. And it has the live viewers, a report
8 from YouTube regarding the live viewers on the livestream.
9 The chat download, and then a breakdown of the views. There
10 is a folder called 90 days, which has all of the stats for the
11 first 90 days after the video was uploaded. A folder called
12 lifetime, which has the stats regarding the lifetime of the
13 video since it went up until the 1st of March of this year.
14 An upload to filing, which was when another folder upload to
15 filing which has all the stats of the video from the time that
16 it was uploaded or livestreamed until the filing of this
17 lawsuit -- or the original lawsuit in Texas.

18 Q. Okay. And once again, for more detail a person can
19 just open up the --

20 A. Yeah. The 90 day folder has eight files in it. The
21 lifetime folder has ten files in it. And the upload to filing
22 folder has nine files in it.

23 Q. Okay. Well, let's go back and briefly describe the
24 nature of each of those files.

25 A. Sure. Those are the analytics that you can download

1 from YouTube. YouTube gives you analytics on your videos.
2 Who watches it. Where it came from. The source of the video.
3 Where they live. Whether or not they are subscribers. So all
4 of that information is available.

5 Q. So, you said that, for example, you had ten folders
6 in one of the --

7 A. Uh-huh.

8 Q. Can you just -- I'm sorry, ten files in one of the
9 folders?

10 A. Sure.

11 Q. Can you just go through and --

12 A. Yes.

13 Q. -- and tell us what each of the ten are?

14 A. So that's the -- like the lifetime of the video. So
15 that would be things like audience retention -- how long
16 people actually watched the video. What --

17 Q. Well, let me watch it for a second. I want to know
18 just what each file is. So you are saying one file is just
19 about audience --

20 A. Retention.

21 Q. -- retention. Okay.

22 A. Yes.

23 Q. So go through and like that describe all ten files.

24 A. Sure. The next one is the cities that YouTube says
25 that it was watched in. There is a file that is content --

1 Q. Just, if you can help us out by reading what's in
2 the file. So when someone is looking at the file --

3 A. Sure.

4 Q. -- they'll know what file you are talking about.

5 A. Yeah.

6 Q. So just go ahead.

7 A. So then the dates. So the dates the video was
8 watched and how many people watched it. The geography, what
9 country people watched the video from. The geography of the
10 states, what states people watched them from. Whether or not
11 they were subscribers. Which is a subscription, you know,
12 scribe -- subscription status folder. How old the viewers
13 are, and viewer gender.

14 Q. All right. So looking at that description, someone
15 will be able to identify each of the files that you provided
16 in that subdirectory.

17 A. Yes.

18 Q. So now can you go to the next subdirectory and do
19 the same thing, say, you know, this file is entitled and it
20 does this?

21 A. Yeah. The 90 days folder, it's the cities that the
22 video was watched in. Content, which is how much of the
23 content they watched. Date, when the video was watched, and
24 how many viewers. Geography, which would be the cities -- or
25 I'm sorry -- the countries that it's watched in. Geography by

1 states. The traffic source -- whether it came from YouTube,
2 or Twitter, or a search, that kind of thing. Viewer age and
3 viewer gender.

4 Q. All right. So let's go to the next subdirectory.
5 Once again, I'm just relying on you to systematically go
6 through these --

7 A. Yeah.

8 Q. -- so you can describe what you are doing.

9 A. So upload to filing. That's the same thing. It's
10 the cities that it was watched in. The content of the video.
11 Dates, so the dates that they were watched and how many
12 viewers watched it. Geography, which is actually the country.
13 Geography by states. The subscription status of the viewer.
14 The traffic source. The viewer age and the viewer gender.

15 Q. I counted nine folders?

16 A. Yes, there is nine files.

17 Q. All right. Are there anymore?

18 A. No. Then there is the -- in the main folder it is
19 the chat download from that livestream, as well as the live
20 viewers with that livestream. How many people actually
21 watched it.

22 Q. Well, I'm not quite sure what you're saying. So
23 there is one more folder in the --

24 A. No, those are just the other files in that folder.

25 Q. Oh, okay.

1 A. Yeah.

2 Q. So have you labeled -- have you mentioned --

3 A. That's everything -- everything in that folder; yes,
4 sir.

5 Q. All right. So have you covered all 55 folders?

6 A. I believe so.

7 Q. All right. So then --

8 A. Well, the lifetime analytics folder. That has the
9 cities, content date, geography by country, geography by
10 state. Subscriber by content. Subscription status. The
11 traffic source. Viewer age and viewer gender.

12 Q. Okay.

13 A. Of my channel over its entire lifetime.

14 Q. Okay. And once again, these are all in Excel
15 spreadsheets, correct?

16 A. These are all in Excel spreadsheets, yes, sir.

17 Q. All right. And is that all of the files that you
18 pro --

19 A. Yes.

20 Q. -- provided?

21 A. Yes, it is.

22 Q. All right. Let's go on. Okay. Now we're referring
23 back to your VikkiVerse YouTube channel. Generally speaking,
24 what subject matter do you discuss on your channel?

25 A. Generally, we talk about ComicsGate.

1 Q. And what is ComicsGate?

2 A. ComicsGate is a small community of indie comic
3 creators.

4 Q. All right. We'll maybe have a chance to elaborate
5 more on that later.

6 A. Sure.

7 Q. Is crime a topic you generally cover?

8 A. No.

9 Q. Does your channel offer significant content for
10 someone interested in the topic of child pornography crime?

11 A. No.

12 Q. Is pedophilia a topic you generally cover?

13 A. No.

14 Q. Does your channel offer significant content for
15 someone interested in the topic of pedophilia?

16 A. No.

17 Q. Has anyone in your audience ever expressed to you an
18 interest in the topic of child pornography?

19 A. No.

20 Q. Has anyone in your audience ever expressed an
21 interest in the topic of pedophilia?

22 A. No.

23 Q. So is it fair to say that the bulk of your audience
24 is interested in ComicsGate?

25 A. Yes.

1 MR. KAROUNOS: Objection to form. You may answer.

2 A. Yes.

3 Q. All right. One of the parties to this litigation is
4 Ethan Van Sciver. Is it fair to say that leading up to the
5 April 25th, '21, livestream that essentially all of your
6 audience knows who Ethan Van Sciver is?

7 MR. KAROUNOS: Objection to form. You may answer.

8 A. Yes.

9 Q. Another party to this lawsuit is Preston Poulter.
10 Generally speaking, is Preston Poulter discussed on your
11 channel?

12 A. I'm sorry. I'm not sure I understand "generally
13 speaking."

14 Q. Well, has Preston Poulter been discussed on your
15 channel?

16 A. Yes.

17 Q. Has he been discussed multiple times on your
18 channel?

19 A. Yes.

20 Q. Can you give us an exact number of times he's been
21 discussed on your channel?

22 A. I do not have an exact, no.

23 Q. And is that because it has been a lot?

24 A. It has not, no, been a lot.

25 Q. Well, if you just give a range, you know, your best

1 guess, how many videos would Preston Poulter have been
2 discussed in? And we're most, in particularly interested in
3 leading up to the April 25th, 2021, livestream.

4 A. Maybe --

5 MR. KAROUNOS: Objection to form. I'll also note
6 that this witness was not given any instructions at the
7 beginning of this deposition, at least on the record. But I
8 will put on the objection that the witness is not to guess
9 about anything. An estimate based on knowledge is, of
10 course, okay. But best guess is a just a little bit too close
11 to the line.

12 Q. Okay. Don't guess. Give an estimate based on your
13 personal knowledge. Was Preston Poulter discussed on your
14 livestream before the April 25th, 2021, livestream?

15 A. Yes.

16 Q. And was he discussed more than once?

17 A. Yes.

18 Q. Is it fair to say that your audience would know who
19 Preston Poulter is?

20 A. Yes.

21 MR. KAROUNOS: My apology. I was muted. Just note
22 my late objection to form. Obviously, you can answer.

23 Q. And, at this time, what profession was Preston
24 Poulter known for? What did Preston Poulter do for a living?

25 A. He's an indie comic creator. He's a writer.

1 Q. And, once again, as of April 25th, 2021, just
2 previous to that, wasn't there a former enterprise he was
3 involved in he found quite embarrassing?

4 MR. KAROUNOS: Objection to form. You may answer.

5 A. He had done amateur porn -- pornography.

6 Q. Now is Preston Poulter known as a photographer?

7 A. No.

8 Q. Is there any reason someone would be interested --
9 I'm sorry. Strike that. Is there any reason your audience
10 would think that Preston Poulter was interested in viewing
11 photographs of actual people?

12 MR. KAROUNOS: Objection to form. You may answer.

13 A. I'm not sure I understand the question.

14 Q. Well, you said that Preston Poulter was known as a
15 person that creates comic books. And you said that he had a
16 brief career or a career in amateur pornography. I'm asking
17 you is there any reason to believe that he was particularly
18 interested in viewing photographs?

19 MR. KAROUNOS: Objection to form. You may answer.

20 A. No.

21 Q. Okay. Was John Lamont discussed on your channel
22 leading up to?

23 A. Yes.

24 Q. And what was the context of the discussion of John
25 Lamont?

1 A. We had done a follow-up livestream about a video
2 that Dean had done.

3 Q. Okay, once again, Dean is your co-host.

4 A. Dean Assaf, my co-host.

5 Q. Okay. And someone following your channel who knew
6 who John T. Lamont is, what would they know about him? What
7 was the most important thing about John Lamont?

8 MR. KAROUNOS: Objection to form. You may answer.

9 A. That John Lamont had a comic book that he was
10 producing.

11 Q. And do you remember the name of that comic book?

12 A. The Demonatrix.

13 Q. So leading up to the April 25th, 2021, livestream,
14 the Demonatrix comic came to your attention, correct?

15 A. Yes.

16 Q. Do you recall the first time that you became aware
17 of the Demonatrix comic?

18 A. No.

19 Q. Do you remember what -- what livestream source you
20 first encountered the images of the Demonatrix comic?

21 A. It wasn't a livestream. The first time I saw images
22 from the interior of the comic book on John Lamont's
23 Deviantart page.

24 Q. Are you aware of the term Discord?

25 A. Yes.

1 Q. Does Preston Poulter have a Discord?

2 A. Yes.

3 Q. Do you know the name of his Discord?

4 A. I believe it's the Figures of Legend.

5 Q. And did you see any images in that Discord of the
6 Demonatrix comic?

7 A. Yes.

8 Q. And can you tell roughly what time that was?
9 Keeping in mind that April 25th, 2021, was the video.

10 A. It would have been early in 2021. So, let's see,
11 January.

12 Q. All right. Now did you or your co-host then discuss
13 this image on either of your YouTube channels?

14 A. Yes.

15 Q. And who was the first to discuss the Demonatrix
16 comic on a YouTube channel?

17 A. Dean.

18 Q. And can you identify the YouTube channel?

19 A. It's DATalks.

20 Q. And roughly -- once again, best memory -- what
21 approximate date was that?

22 A. Mid -- mid-February.

23 Q. And if someone is interested in the exact date, they
24 can go to the DATalks records.

25 A. Yes.

1 Q. Correct? Those are publicly available?

2 A. Yes, they are.

3 Q. Now at a point in time did your co-host, Dean Assaf,
4 receive correspondence from Preston Poulter or correspondence
5 on behalf of Preston Poulter?

6 A. Yes.

7 Q. And what was that correspondence?

8 A. It was a cease and desist letter.

9 Q. And did that cease and desist letter become the
10 subject of a livestream?

11 A. Yes. Well, a pre-recorded stream; yes.

12 Q. Can you tell the difference between a pre-recorded
13 steam and a livestream?

14 A. Sure. You can pre-record videos and upload them to
15 your YouTube channel. Or you can hook into YouTube and stream
16 them live. And so it's people watching them as you're putting
17 out the product.

18 Q. Okay. Now I took a screenshot of a YouTube channel
19 and I wanted to show it to you to refresh your memory.

20 A. Yes.

21 Q. Now can you tell us, after looking at that, some
22 more details about the video that was produced after you
23 received that letter?

24 A. Sure. There were -- it was Dean, two other friends
25 of ours, and myself as he read the letter to us. And then he

1 produced the video after and included screenshots. And bits
2 from the original video that he had done that they were
3 writing the cease and desist about.

4 Q. Okay. And I'll point to it at the very bottom of
5 this. What date was that?

6 A. May 4th, 2021. A little later than I thought. He
7 didn't -- I believe he had gotten the cease and desist at
8 least two or three weeks prior to the video going up.

9 Q. All right. Now let's talk about your opinion of the
10 Demonatrix. Was it a positive opinion or a negative opinion?

11 A. I was not impressed by it.

12 Q. And why weren't you --

13 MR. KAROUNOS: I'm sorry. I was muted. So just
14 note my late objection. You can still answer.

15 Q. And why weren't you impressed?

16 A. I did not like the 3D rendering art, but I also
17 thought that the subject matter itself was -- what's the best
18 word? -- disturbing.

19 Q. And was it disturbing for a particular reason?

20 A. The main character was underage, taken possession by
21 a demon, goes around doing -- killing people in lots of sexual
22 situations.

23 Q. Now did you have any doubt that this was a fictional
24 character?

25 A. No doubt.

1 Q. Did you nevertheless use the word child pornography
2 in describing this -- these images? If you remember.

3 A. I believe we had called it Loli -- Lolicon. Or at
4 least I did.

5 Q. Okay.

6 MR. KAROUNOS: What was that word? Rali?

7 A. Lolicon.

8 Q. Can you spell that?

9 A. L-o-l-i-c-o-n.

10 Q. Thank you.

11 MR. KAROUNOS: Thank you.

12 Q. And can you define Lolicon?

13 A. Lolicon -- the name Lolicon is derived from the
14 novel Lolita. It is anime that is young girls in sexual
15 situations. So the actual art itself, as well as the people
16 that enjoy Loli, are known as Lolicons.

17 Q. All right, now, specifically with respect to the
18 Demonatrix, was this comic produced?

19 A. In physical form?

20 Q. Well, let's back up. Was there a campaign at some
21 time to make this Demonatrix comic?

22 A. Yes.

23 Q. And did you comment on that campaign at some point
24 in your livestreams?

25 A. Yes.

1 Q. And what sort of comments did you make?

2 A. We had made note of one of the covers, which
3 depicted two very young girls in a sexual situation. Or what
4 appeared to be, at least.

5 Q. And once again, even though these are young girls in
6 sexual situations, there is no doubt that these are fictional
7 and not real, correct?

8 A. Correct.

9 Q. All right. Now let's go with this background to the
10 actual livestream. Now according to YouTube, the livestream
11 is one hour, eight minutes or thereabouts. Does that sound
12 about right?

13 A. Yes.

14 Q. I think it may have been one hour, seven minutes,
15 and fifty-nine seconds, or something like that. So you were
16 provided with a set of six excerpts that total about nine
17 minutes, correct?

18 A. Yes.

19 Q. And did you have a chance to review that?

20 A. Yes.

21 Q. Okay. What I want to do now is play for you that
22 livestream, and we'll play it excerpt by excerpt. So I'll let
23 you watch the whole excerpt, and then we're going to stop and
24 I'll ask some questions about that. All right?

25 A. Okay.

1 Q. Now as for the court reporter, I'll note we have
2 prepared a transcript of this ahead of time. So I'll give you
3 a copy if you want. So you can either go ahead and do a live
4 transcription and then compare it to our transcription.
5 However you want. Okay. So since you're not -- we're not
6 sharing the screen, why don't you narrate what you're seeing
7 so that we can keep everybody up to date on what you're
8 watching.

9 A. Sure. All right. Just a title, April 25th.

10 Q. We'll stop it so you can read the title.

11 A. The title.

12 Q. Yeah, go back and read the title. Yeah, read every
13 title card.

14 A. April 25th, 2021. The YouTube channel VikkiVerse
15 livestreamed a one hour, eight minute video. URL -- do you
16 want me to read the URL.

17 Q. Well, just tell us -- tell the --

18 A. It's the URL of the video.

19 Q. That's the thing that you would type into your
20 browser, and your browser would point to the livestream video?

21 A. Yes.

22 Q. All right. Continue.

23 A. It's a livestream. This is actually -- this URL
24 contains a time stamp, 2,793 seconds.

25 Q. I didn't know that. Thank you.

1 A. There are six excerpts. The first one is 12:59 to
2 14:08. The second is 16:18 to 17:09. The third is 20:49
3 until 22:42. The fourth is 30:12 to 32:11. The fifth is
4 32:57 to 35:49. And the sixth is 46:25 to 46:33. Discussion
5 of ComicsGate TM dispute begins at 12:59. Host Vikki and
6 DATalks introduce excerpt one of six. Plaintiff, Preston
7 Poulter, pre-recorded argument. Go ahead and --

8 Q. No, actually, let's stop for a second. Now I want
9 to at this point just briefly discuss the fact that this
10 livestream contained other topics. So we're starting
11 somewhere in -- the livestream began -- correct me if I'm
12 wrong -- with the discussion of WarCampaign?

13 A. Yes.

14 Q. Okay. And who is WarCampaign?

15 A. WarCampaign was a fan group inside ComicsGate.

16 Q. Okay. And we don't need to go into any detail about
17 what's not in the video. I just want the record to show what
18 is outside of the subject matter that's relevant to this
19 lawsuit. Now the next topic was the pre-recorded statements
20 that we're about to record [sic]. And then after the pre-
21 recorded there was a section by someone named Liam Gray.

22 A. Yes.

23 Q. And that's spelled L-I-E-M -

24 A. A-M.

25 Q. L-I-A-M.

1 A. Uh-huh.

2 Q. And is it G-R-A-Y? Yeah. And who is Liam Gray?

3 A. Liam Gray is an independent comic creator in
4 Australia.

5 Q. All right. And at that point, if I remember
6 correctly, then Ethan Van Sciver joined the livestream,
7 correct?

8 A. Yes.

9 Q. And, if you remember, was he scheduled or was this
10 something that just happened on the spur of the moment?

11 A. It was spur of the moment. He was in the chat.

12 Q. All right. And then, finally, there was a
13 discussion of -- I think his name was Tim Poole?

14 A. No. Adam Post.

15 Q. Adam Post. I'm glad -- so, they can't accuse me of
16 a leading question because I asked the wrong guy. So who is
17 Adam Post?

18 A. Adam Post was an indie comic creator in ComicsGate.

19 Q. All right. --

20 MR. KAROUNOS: Counsel, pardon the interruption.

21 But just so Mr. Masten is aware, the doctor just walked in, so
22 he's going to have to handle any objections for the time
23 being.

24 Q. Okay. And, once again, I object to two attorneys
25 handling the objections. I think that only one should be

1 allowed. But I'm not going to, you know, prevent anybody from
2 asking questions -- or from making objections.

3 So, Ms. Kundert, do you remember any other
4 significant topics that happened during this livestream?

5 A. No, I believe that's it.

6 Q. All right. So let's now go back to the parts that I
7 think are relevant. And let's see what you think after
8 viewing them. So this is the first excerpt. Let's play the
9 excerpt. And then I'll ask you some questions after it's
10 over. Go ahead.

11 EXCERPT:

12 MS. KUNDERT: Next, will talk about, um, the TM.

13 MR. ASSAF: Oh, yeah.

14 MS. KUNDERT: Yeah, let's do it. We had some big
15 news this week, let's see here.

16 MR. POULTER: (prerecorded) Are we reading up on
17 trademark law? Speaking of trademark law, let's talk about
18 ComicsGate.

19 I have, as you're probably aware, if not, Bleeding
20 Cool article. I can't put a link in the info card. So link
21 in the description, Bleeding Cool article. The Federal
22 Government has recognized that I, Preston Poulter, DBA Pocket
23 Jacks Comics through my corporation Common Sense Press,
24 Incorporated, have been granted the trademark of ComicsGate in
25 regards to comic books. I have also applied for a

1 certification trademark, meaning I will be able to certify who
2 gets to call their comic books ComicsGate. And those that I
3 deem worthy will get this logo to put on their books and that
4 way you know it's certified ComicsGate.

5 Q. Okay. Let's pause it. So can you tell us what that
6 was?

7 A. You took my coffee. That was part of a pre-edited
8 video that we played during our livestream. That particular
9 excerpt came from a video on Preston Poulter's YouTube
10 channel.

11 Q. And do you remember the title of his YouTube
12 channel? Is it like Pocket Jacks Comics?

13 A. Yeah, it's Pocket Jacks Comics is his YouTube.

14 Q. And does he not have a series that -- where he would
15 come in on ComicsGate?

16 A. Yes.

17 Q. Do you remember what his running title was for
18 those?

19 A. Last Week in ComicsGate.

20 Q. All right. Let's go onto the next.

21 A. This wasn't one of those videos that I excerpted.

22 Q. Oh, it wasn't one of those videos. Okay.

23 A. No.

24 Q. But he would be known -- well, let me ask you this
25 question. Would the fact that he had a series of videos

1 called Last Week in ComicsGate, would that mean that your
2 audience would know about Preston Poulter?

3 A. Yes.

4 Q. Well, and let's -- I'll look through logically.
5 Your main topic of discussion is ComicsGate, correct?

6 A. Yes.

7 Q. And so if your audience is interested in ComicsGate,
8 it's logical to assume that they would also be interested in
9 other livestreams that discuss ComicsGate, correct?

10 A. Can you re-ask that?

11 Q. Okay. Your audience is interested in ComicsGate,
12 correct?

13 A. Yes.

14 Q. The reason that they will tune into your livestream
15 is because they know your livestream discusses ComicsGate,
16 correct?

17 A. Yes.

18 Q. So it's logical to assume that they will tune into
19 other livestreams that discuss ComicsGate, correct?

20 A. Yes.

21 Q. Okay. Let's go on to the next video, and then you
22 can tell us what it is.

23 A. So this is excerpt two of six. At 16:18, Defendant,
24 Ethan Van Sciver's pre-recorded argument.

25 EXCERPT:

1 MR. VAN SCIVER: (prerecorded) So, ComicsGate is
2 trademarked -- and feel free. As long as you abide by the
3 principles and rules, the standards that we all kind of
4 understand ComicsGate is, there's gonna be no problem. If you
5 want to publish child pornography under the ComicsGate banner,
6 that's gonna to be a problem. Or anything like that. In that
7 instance I will come down and exercise my trademark and
8 protect the trademark. But other than that, if you are a
9 creative person who wants to do something called ComicsGate
10 Comics and you want to do comics that are for the customers
11 and fun, cool, great. There's going to be absolutely no
12 problem at all. It belongs to everybody. But I guess I'm
13 going to -- I'm going to --

14 Q. Okay. Now can you tell us what that excerpt was?

15 A. That was an excerpt from one of Ethan Van Sciver's
16 livestreams. It would have happened sometime in the week
17 before our livestream.

18 Q. Now there is a particular feature of this excerpt
19 that I want to highlight for the record. Let's back it up,
20 and I'm going to stop it at a certain point. Okay. So at
21 this point, you have departed from the video from Ethan Van
22 Sciver's livestream and you've inserted a new video, correct?

23 A. Yes.

24 Q. Can you describe what you inserted?

25 A. It is -- yeah. It is the ComicsGate -- certified

1 ComicsGate trademark that Preston Poulter had created on the
2 cover of John Lamont's Demonatrix.

3 Q. And then the video zooms out. And what does it show
4 after it zooms out?

5 A. It shows the full cover. Well, it shows the -- I
6 guess -- redacted cover because they were unable to show the
7 whole -- I was unable to show the whole bit on YouTube.

8 Q. And let's be specific, the redactions are for
9 nudity, correct?

10 A. Yes.

11 Q. Now I want you to listen what Ethan is saying when
12 you cut away from the original video and insert the new video.

13 EXCERPT: -- the standards we all kind of understand
14 ComicsGate is, there's going to be no problem. If you want to
15 publish your child pornography --

16 Q. So he just said, "If you want to publish child
17 pornography." Correct?

18 A. Yes.

19 Q. And you inserted the Demonatrix comic over that
20 portion of his pre-recorded statements, correct?

21 A. Yes.

22 Q. And is that because you had no doubt that he was
23 referring to the Demonatrix when he was talking about child
24 pornography?

25 A. Yes.

1 Q. And that's because of your previous history
2 discussing the Demonatrix, correct?

3 A. Yes.

4 Q. And would you say that at the time before this
5 video -- and remember, this is April of 2021 -- was the
6 Demonatrix a significant topic in the ComicsGate community?

7 A. Um --

8 Q. Well, you don't have to speculate. Let's just
9 review what had happened. So your co-host had his own YouTube
10 channel. And he, as you said, discussed in this video once
11 when he was discussing the Discord. And you also said they
12 had a second video when he received the cease and desist
13 letter.

14 A. Uh-huh.

15 Q. Right. And is it reasonable to believe that Ethan
16 Van Sciver had heard of this?

17 A. Yes.

18 Q. And, in fact, you know through one way or another
19 that Ethan had heard of the Demonatrix, correct?

20 A. Yes.

21 Q. All right. So for those reasons, is it fair to say
22 that you had no doubt that when Ethan Van Sciver said, "I
23 don't want to put my trademark on child pornography," that he
24 was referring to the Demonatrix?

25 MR. JEREMY MASTEN: Objection to form. You may

1 answer.

2 A. Yes, he was referring to the Demonatrix.

3 Q. All right. I note that he did not say Preston
4 Poulter in that sentence that you added, the Demonatrix. But,
5 nevertheless -- well, let me ask you this. Were there any
6 other trademark topics that had anything to do with child
7 pornography?

8 A. No.

9 Q. So when Ethan Van Sciver was discussing his
10 trademark and he mentioned child pornography, there is really
11 only one topic that he could have been referring to?

12 A. Yes.

13 Q. And later on when Ethan Van Sciver participated,
14 were you correct that that's what he was talking about? Did
15 his -- well, let me strike that question. Ethan Van Sciver
16 later showed up on the livestream. And after talking with
17 him, was there any doubt that you were correct that that's
18 what he was referring to in that prerecorded statement?

19 A. I had no doubt.

20 Q. All right. Let's go through, then, to the next --
21 here, I'm going to cut out the sound so our poor court
22 reporter doesn't have to keep recording the same thing over
23 and over again. Yeah, thanks. And then let's go to the next
24 excerpt. We played it all the way to the end. Remember the
25 DND comes up? Okay. So pause it and then turn the speaker on

1 and let's listen to the next.

2 EXCERPT:

3 MS. KUNDERT: And Preston is litigious as fuck.

4 Q. Sorry. We'll go back.

5 A. Excerpt three of six at 20:49, the host discusses
6 Plaintiff, Preston Poulter and the TM on the Demonatrix.

7 EXCERPT: And Preston is litigious as fuck. He
8 admits it. He's proud of it. Uh, they -- I remember Auby
9 (Mr. Poulter's ex-wife, Auby Anne Meletio) had said something
10 on a stream somewhere along the way that he likes to file for
11 copyright against, you know, copyrights and trademarks and
12 things like that, so -- I guess it's one of his, his hobbies.

13 But, yeah, I'd like to see Ethan get it. I mean,
14 Jesus Christ, once he decided to slap the ComicsGate TM on
15 that Demonatrix loli porn comic of Lamont's.

16 MR. ASSAF: It's fucking gross.

17 MS. KUNDERT: Just gross. I mean, I can't -- I
18 think, and I mean Ethan's in the chat, he can correct me if
19 I'm wrong -- that, you know, that may have been part of why
20 when Romano said, "Hey, I've got this lawyer here who's
21 already filed this paperwork, are you finally willing to do
22 it?" -- that he may have said yeah. You know who wants, who
23 wants what they've been building up for three years to be
24 suddenly attached to that grossness?

25 Q. All right. So, once again, you are referring to a

1 specific Demonatrix comic, correct?

2 A. Yes.

3 Q. That's all on this. Let's listen to the next
4 excerpt.

5 A. Okay. Excerpt four of six, at 30:12, Defendant,
6 Ethan Van Sciver has joined the discussion live. Another
7 artist.

8 EXCERPT:

9 MS. KUNDERT: But anyway, TMs, Trademarks --

10 MR. ASSAF: Yeah, --

11 MS. KUNDERT: -- Copyrights.

12 MR. ASSAF: -- want to hear your side of things.

13 MR. VAN SCIVER: Well, I mean you know my side of
14 things, you know, fortunately, I, you know, I talk about
15 almost everything pretty openly on my channel. But I mean,
16 you know my side of things is that it's pretty demonstrable
17 that ComicsGate has been used in commerce by me and me alone,
18 up until Preston decided that he would try to spite trademark,
19 the term.

20 I don't care. I just, you know, Preston's whole
21 thing was, if I take ComicsGate, if I take the word ComicsGate
22 away, then what will they do? I mean, nothing. We'll just
23 keep doing what we're doing. And, you know, 'cause it's not
24 really the -- the movement and people selling their comics and
25 it doesn't really hinge on a word. It kind of hinges on

1 everybody wanting to continue to do this. So it's weird. The
2 whole thing is weird.

3 But in the meantime, I did get notified by a
4 gentleman who was very concerned about this. He said,
5 obviously, and I was told this by another trademark attorney,
6 that -- you know look -- you know, you have been using
7 ComicsGate in commerce. You have what's known as the common
8 law trademark to the word ComicsGate. I mean, you don't need
9 to register it. It doesn't need to happen. You are -- you
10 are the trademark owner of it. You can demonstrate that
11 you've been making money with it.

12 So I was quite happy with that. Preston's clown
13 show didn't really bother me. But then the attorneys just
14 said, you know, what? We're going to officially register it
15 for you if you want to participate. So I said, sure.

16 I am under the impression that it's going to be
17 pretty much a walk in the park, you know. And -- and not only
18 that, what Preston did was actually illegal. It's, Vicki,
19 it's literally fraud. You're going to love this. He does not
20 have -- he does not have a claim -- have a claim to the term
21 comicsgate. And so what he did was fraudulent. And I could
22 sue him for it if I wanted to.

23 A. That was the end of that excerpt.

24 Q. All right. So is there any doubt in your mind when
25 he talked about -- I think he used the word spite trademark?

1 Is there any doubt what he was talking about the action of
2 Preston's was spite trademarking?

3 A. No doubt.

4 Q. And what was the action?

5 A. Preston filing the ComicsGate trademark back in
6 early -- I want to say it was March.

7 Q. Well, we can look up that.

8 A. March of 2020, I think.

9 Q. All right. That's all on this excerpt. I think we
10 can go to the next excerpt.

11 A. Excerpt five of six, jumping ahead to 32:57 seconds.

12 EXCERPT:

13 MR. VAN SCIVER: All of this seems like a weird gay
14 trap anyway. It's like wow I can trick Ethan into claiming
15 ComicsGate. And then, you know, I can say Ethan thinks he
16 owns ComicsGate.

17 You know, I get it. This isn't 2017 anymore. It
18 isn't 2018. It's pretty stupid. I've got the word comicsgate
19 on my baseball cap. I intend to continue to put ComicsGate on
20 merchandise as I want, as I wish. You know, I don't think
21 anybody's going to be attitudinal about it. I just don't
22 think anybody is going to get very upset and think that I'm,
23 you know co-opting a movement. All of those accusations have
24 already been made and put into play, and they amount up to
25 nothing. So, I just -- I don't want Preston to make child

1 pornography and put ComicsGate on the label.

2 MR. ASSAF: Yeah, that was -- that was pretty
3 fucking gross -- gross move.

4 MS. KUNDERT: Yeah.

5 MR. VAN SCIVER: Especially right now. You know, at
6 this point one of his pals, Slick Jimmy, outed as an actual,
7 you know, child pornographer, pedophile. You know, it's like
8 this -- now is not a good time for that bullshit. So, yeah,
9 let's --

10 MR. ASSAF: What if you -- well, that's actually
11 interesting you bring that up. What did you think, if you
12 knew at all, about him trying to push Slick Jimmy off on you
13 and ComicsGate?

14 MR. VAN SCIVER: Oh, well, it's typical. You know,
15 I -- Slick Jimmy of lethal -- Little Girl Lethal, I think,
16 appeared on one of my livestreams or two of my livestreams in
17 2018, when basically my livestream was an open door to anyone
18 who had a small press comic that they wanted funded. You know
19 we had --

20 MR. ASSAF: Well, for anybody but Preston.

21 MR. VAN SCIVER: Well, you know, what? Here's
22 the -- here's the wonderful thing about that. Preston would
23 have been on my show had he not been asking me in between
24 Christmas and New Year's when I wasn't livestreaming at all.
25 He badgered me every single day between December 26 and like

1 January 2nd. "A, I going to be on your show? Help me,
2 Obi-Wan Ken-Ethan. You're my only hope". You know, all these
3 weird gay messages that I wasn't livestreaming. I was busy,
4 you know, being with my family and playing video games and
5 having a good holiday. If he'd just waited like a fuckin'
6 normal person, he, you know, he might have ended up on the
7 show and history could have been different. I'm kind of -- it
8 wasn't on. I guess I'm kind of glad that things went the way
9 that they did.

10 MR. ASSAF: Well, yeah, knowing who he is now.

11 MR. VAN SCIVER: Yeah, there's just a lot of
12 weirdos. There are just an awful lot of weirdos in the
13 comics.

14 Q. All right. A couple of questions about this to
15 clear up. Ethan was saying this is not 2017/2018 anymore
16 where he thought there might be some problems with him
17 trademarking ComicsGate. Do you understand what he was
18 worried about?

19 A. Yes.

20 Q. Explain that.

21 A. Early ComicsGate, the movement was meant to be about
22 all of the creators under the umbrella of ComicsGate. And the
23 fear was that if Ethan had gone and filed for the trademark,
24 that it would have created this schism because some creators
25 may have been upset at the idea of Ethan owning ComicsGate.

1 Q. Their position should be -- what?, that it was like
2 group owned?

3 A. That it was not owned by anyone.

4 Q. I see. Also, you were around the ComicsGate
5 movement before Ethan Van Sciver, correct?

6 A. Yes.

7 Q. Who was the major character before Ethan Van Sciver?

8 A. Richard C. Myer.

9 Q. So it could have been that if there was some issue
10 of ownership, maybe Richard C. Myer could have claimed
11 ownership?

12 A. Richard C. Myer never used the word ComicsGate as an
13 identifier --

14 Q. All right.

15 A. -- for himself.

16 Q. Now there was another part where they talk about a
17 "actual" -- I think the word was child pornographer or actual
18 pedophile named Slick Jimmy, correct?

19 A. Slick Jimmy, yes.

20 Q. And what did your co-host mean, if you know, when he
21 said why did Preston try to push Slick Jimmy off on you, or
22 words to that effect?

23 MR. KAROUNOS: Objection to form. You may answer.

24 A. Slick Jimmy was around ComicsGate at the beginning.

25 Didn't stay ComicsGate for very long. But the narrative after

1 the news broke that Slick Jimmy had been arrested for child
2 pornography -- it was that he was embraced by ComicsGate,
3 hence ComicsGate was a movement full of pedophiles.

4 Q. Now earlier you said that Preston Poulter had a
5 series of videos on his YouTube channel called Last Week in
6 ComicsGate; was Slick Jimmy, if you recall, a subject that
7 came up in Preston Poulter's videos?

8 A. Yes.

9 Q. And what do you remember about that?

10 A. He did a video after Slick Jimmy had been arrested.

11 Q. And in that video, did he try to connect Slick Jimmy
12 to ComicsGate?

13 A. Yes.

14 Q. And was this video before the January -- or, I'm
15 sorry, before the April 25th, 2021, video?

16 A. Yes.

17 Q. All right. Let's just review the final excerpt.
18 It's a short one.

19 A. Sure. Excerpt six of six, 46:25. The final mention
20 of TM.

21 EXCERPT:

22 MR. VAN SCIVER: In order to have a trademark, you do
23 have to protect it. So I will protect it in that way. I will
24 not allow it to be put on child pornography by Preston
25 Poulter.

1 A. That was the end.

2 Q. All right. Now in viewing this, do you think that
3 this is a complete context of the child pornography remarks by
4 Ethan Van Sciver?

5 A. Yes.

6 Q. Can you recall any other portions of a livestream
7 that would be needed to put pornography comments in context?

8 A. Just the actual images of the comic book cover.

9 Q. Okay. Well, the images are going to be in the
10 official record even though they are not, obviously, going to
11 show up in the transcript.

12 Now is there any way to know the identity of each
13 and every person that use your livestreams?

14 A. No.

15 Q. What are the techniques that you use to understand
16 who your audience is?

17 A. The chat.

18 Q. All right.

19 A. And comments left on the videos.

20 Q. All right. How about -- you also have an appearance
21 on Twitter. Does that -- do you have any interaction with
22 your audience via Twitter?

23 A. Yes.

24 Q. So basically, various social media outlets. Let me
25 do one final thing before we leave, and I want to show you one

1 of the chats. Let's go to the chat of this DED Live -- of the
2 livestream that we just saw the excerpts. And what I want you
3 to do is look at the people in the chat. That file won't
4 open, so let me -- I have got a better way to opening it.
5 Hold on one second. Here we go. So I'm showing you your own
6 spreadsheet. And I want you to look at the column that shows
7 you who is in the chat.

8 A. Okay.

9 Q. And when you come across a name you recognize, I'd
10 like you to state the name for the record, and tell us what
11 you know about that particular person.

12 A. Oh, goodness.

13 Q. And we'll do like five of them. So --

14 A. Okay.

15 Q. -- obviously you're not going to go through every
16 single person you know in your chats.

17 A. Sure. I could probably go through and tell you who
18 most of these people are. Just start off at the beginning.

19 John Luke Connery He is --

20 Q. And what are his interests, as far as you know?

21 A. He -- ComicsGate.

22 Q. All right.

23 A. HOThead Studios, the same.

24 Q. So, once again, you know who these people are
25 through the chats?

1 A. Through the chats, yes. Interacting with them in
2 other chats of other livestreams and the comments on Twitter.

3 Q. Okay. So that's two. Let's go through.

4 A. Sure. We have Matthew Syler who is a ComicsGate
5 creator. Buck Rodgers who is this guy named Cheech. That was
6 one of his names. And he wasn't a creator at all, just sort
7 of a fan. WellReadComics, he is a ComicsGate YouTuber. Does
8 a review show. So then, like, Ketracel White, -- not around
9 very much anymore. I haven't seen -- seen much of them at
10 all. They came in, I believe, through Dean's -- Dean's
11 channel. They were one of his fans. Not really ComicsGate,
12 but hung around for the livestreams. BigDaddy, he's in the
13 ComicsGate ecosystem, but he's not pro-ComicsGate.

14 Q. What about -- was there a Mr. Dongs? I see him.

15 A. Yeah. Mr. Dongs, he's probably one of the most
16 well-known people in the chats of ComicsGate.

17 Q. He has his own YouTube channel also?

18 A. Yes.

19 Q. Okay.

20 A. Well, you have to have a YouTube account in order to
21 come onto a YouTube stream in a chat.

22 Q. I see one of the persons in the chat goes by --

23 A. ComicArtistProSecrets, that is Ethan.

24 Q. All right. And, during the livestream, you said
25 Ethan was in the chat, so you're literally seeing his name

1 show up in the --

2 A. Yes, it shows up. Yes.

3 Q. Okay. So based on your knowledge of your audience,
4 is there any doubt that when Ethan said child pornography,
5 that your audience knew he was talking about the Demonatrix?

6 A. I believe that they knew that he was talking about
7 the Demonatrix because we had brought it up before. So it was
8 something -- it was an ongoing -- and we had been talking
9 about it.

10 Q. Through all of your contact with your audience, has
11 a single person expressed to you the thought that Preston
12 Poulter might be a child pornographer?

13 A. No.

14 Q. Through all of your interactions with your audience,
15 has a single person said that John Lamont might be a child
16 pornographer?

17 A. No.

18 Q. Through all of your comments, did a single person
19 say that Preston Poulter was a comic book creator?

20 A. Yes.

21 Q. And through all of your comments, did a single
22 person say that John Lamont was a comic book artist?

23 A. No.

24 Q. No one said he was a comic book artist. Maybe you
25 should describe the unique nature of John Lamont's creating of

1 images?

2 A. For the Demonatrix, it was done in something called
3 DAZ 3D. That's D-A-Z, which is literally 3D renderings from
4 models. John Lamont is a writer, not an artist; but he had
5 done these 3D models for Demonatrix.

6 Q. And, to your knowledge, when your audience heard
7 John Lamont being mentioned, did any of them know that he did
8 this sort of art? This computer art?

9 MR. KAROUNOS: Objection to form. Objection to
10 form. You may answer.

11 A. Can you ask that again?

12 Q. Okay. When you mention John Lamont, do you anyone
13 in your chat saying or indicating that they knew John Lamont
14 made these computer graphics?

15 A. No.

16 Q. No. So would you say that John Lamont was less well
17 known than Ethan Van Sciver in your audience?

18 MR. KAROUNOS: Objection to form. You may answer.

19 A. Yes, John Lamont was not as well known.

20 Q. I noticed that Ethan Van Sciver didn't mention the
21 name of John Lamont. Would you say that it's fair to say
22 Ethan Van Sciver knows Preston Poulter much better than John
23 Lamont?

24 A. Yes.

25 Q. All right.

1 MR. KAROUNOS: The witness is trailing off again,
2 just for record.

3 A. I'm sorry. Yes.

4 MR. KAROUNOS: I'm having trouble hearing again.

5 A. I'm sorry.

6 MR. KAROUNOS: Thank you.

7 Q. Well, what I propose now is a break. And I am going
8 to go and see if there are any more questions. There won't be
9 much but I want to go off the record for a time period. Once
10 we go off the record, we'll decide how long we should take our
11 break for, and then I'll do some final questionings. And then
12 if there's any cross-examination we can do that. All right,
13 let's go off the record.

14 COURT REPORTER'S NOTE: An off-the-record break was
15 taken from 11:22 a.m. until 11:46 a.m.

16 ON CONTINUED EXAMINATION CONDUCTED BY MR. SCOTT W.
17 HOUTTEMAN:

18 Q. Back on the record, just a few more questions. Did
19 you work with Preston Poulter prior to the April 25th video?

20 A. Yes.

21 Q. What did you do with him?

22 A. We had done some livestreams. I did readings on his
23 writer streams. And I was a judge for his ComicsGate TM
24 contest or his Figures of Legend ComicsGate trademark contest.

25 Q. So he held a contest, and he appointed you judge?

1 A. Yes.

2 Q. How many judges were there?

3 A. Three.

4 Q. And after you finished your work, were there any
5 complaints about your judging?

6 A. No.

7 Q. Did you do -- I noticed that on your livestream you
8 have certain people with a wrench, can you explain what those
9 people are?

10 A. Those are YouTube chat moderators.

11 Q. And did you do anything like that with Preston?

12 A. I was a mod in his Discord. A moderator in his
13 Discord.

14 Q. And what are the duties of a moderator in his
15 Discord?

16 A. They were never laid out, but normally mods will get
17 rid of anything that violates the terms of service of the --
18 the platform. So, like, anything that Discord wouldn't allow,
19 a mod would have to go in and delete and get rid of it.

20 Q. All right. I have no further questions.

21 ON EXAMINATION CONDUCTED BY MR. JEREMY MASTEN:

22 Q. Okay. I know that Mr. Karounos was doing the
23 objecting but I will be asking the questions. I don't -- I
24 don't expect that it will take long. I know it's about a
25 quarter to 12 where y'all are. But I -- I think we'll be done

1 in plenty of time for us to have lunch.

2 Okay. So Ms. Kundert, my name is Jeremy Masten. I
3 represent Preston Poulter and John Lamont. And I appreciate
4 you being here today. The -- the only -- well, let me ask
5 this. Sorry, before I get started. Can you hear me okay?

6 A. Yes.

7 Q. Okay. All right. Now, I believe that the only
8 exhibit that's been marked was a notice of deposition to the
9 owner of the VikkiVerse YouTube channel. Is that your
10 understanding?

11 A. Yes.

12 Q. Okay. Now -- and in response to that, you produced
13 a bunch of documents that mostly look like they are Excel
14 spreadsheets. You went over those earlier.

15 A. Yes.

16 Q. Okay. Now since they are each Excel spreadsheets, I
17 just want to understand, how were they created? You requested
18 them from YouTube, how were they created?

19 A. You go into the YouTube studio, which is where you
20 have all of your contents. It's a dashboard for your YouTube
21 channel, basically. And you can look at all of your analytics
22 online on YouTube, and then you can also download them into an
23 Excel file.

24 Q. Okay. So, for the clarity of the record, the
25 YouTube Studio you're talking about, like, an online portal

1 not a physical building?

2 A. It's -- it's an online portal, yes.

3 Q. Okay. And then you downloaded these various reports
4 and they -- the original is the Excel spreadsheet?

5 A. Yes.

6 Q. Okay.

7 A. That is how they came from YouTube.

8 Q. Okay. And did you in any way alter them or
9 anything?

10 A. No.

11 Q. Okay. Now, I was listening when you were talking
12 about everything that these reports show, and one thing that
13 wasn't clear to me -- do these reports show shares?

14 A. Shares? What do you mean?

15 Q. Yeah, like, you know on YouTube when you're watching
16 a video there's a little button underneath that says share and
17 has sort of a curvy arrow?

18 A. Right.

19 Q. And it will, like, copy the link or post it on
20 whatever. Is there a report that shows shares?

21 A. No.

22 Q. Okay. And, sorry, but to be clear --

23 A. How --

24 Q. -- there is no report or you didn't pull the report?

25 A. There -- there is a report that shows where the

1 traffic came from, and I believe that information is included
2 in that report. And that was downloaded.

3 Q. Okay. And just so --

4 A. And it tells you whether -- here -- so --

5 Q. Do you know what that -- the report that you're
6 talking about, the traffic report, do you know what that was
7 called?

8 A. Yeah.

9 Q. Traffic source.

10 A. Yeah, traffic source.

11 Q. Got it.

12 A. Yes, sir.

13 Q. Okay. All right. Now -- now a moment ago you were
14 being asked about the audience for your show. And I believe
15 you testified that there is no way for you to know everybody
16 who's in the audience. Do you recall that?

17 A. Yes.

18 Q. Okay. Now obviously people that are chatting or
19 commenting, you know they're in the audience, right?

20 A. Yes.

21 Q. But would you agree with me that a substantial
22 number of people watch videos and don't comment?

23 A. Yes.

24 Q. Okay. And you know that there is -- there is not
25 really a way to know who all those people are, right?

1 A. Right.

2 Q. Okay, okay. Now were you -- let me ask it this way.
3 You are not a lawyer, correct?

4 A. Correct.

5 Q. And you're not represented by anybody today, right?

6 A. Correct.

7 Q. Do you know whether or not you've been subpoenaed to
8 be here?

9 A. No, I have not.

10 Q. Okay. So no, you know, constable or sheriff or
11 anybody showed up with papers and handed them to you to have
12 you appear today?

13 A. No.

14 Q. Okay. Is anybody paying you to be here?

15 A. No.

16 Q. Has anybody promised you, you know, good publicity?

17 A. No.

18 Q. Now the notice was issued by Ethan Van Sciver's
19 lawyer, are you aware of that?

20 A. Yes.

21 Q. And you and Mr. Van Sciver have had some
22 conversations over the last few days, right, on Twitter?

23 A. On Twitter, yes.

24 Q. Okay. And in fact, rather than show appreciation
25 for your cooperation, he called you, "Broke, miserable,

1 sarcastic, and cruel," is that accurate?

2 A. Yes.

3 Q. And -- now he was a party to the Texas lawsuit,
4 right?

5 A. Yes.

6 Q. The one that you're a party to.

7 A. Yes.

8 Q. Okay. Now I have heard -- I've seen some things
9 that at one point he offered to help you and Dean with the
10 defense, and you both declined, is that true?

11 A. No.

12 Q. Okay. It -- it -- maybe I asked that in a weird
13 way. Well, what -- can you expound on your answer a little
14 bit?

15 A. Before Mr. Van Sciver's had contacted an attorney,
16 he had made mention of helping us, and then when he hired his
17 attorney, his attorney pointed out to him -- according to
18 Ethan -- that it would not be in his best interest.

19 Q. Okay. So when he offered to help you, what did you
20 think he meant?

21 A. I assumed that he had meant helping us with
22 attorneys. Basically using the same attorney that he was
23 using.

24 Q. Understood. Did he offer you any money or anything
25 like that?

1 A. No.

2 Q. Why did you laugh?

3 A. We are not on the best of terms.

4 Q. Okay. Even back then you were not on the best of
5 terms?

6 A. No.

7 Q. Okay. So why did you let him on your show?

8 A. Because we were discussing the trademark case in
9 front of the US PTO, and he was a party to it, and he was in
10 our chat.

11 Q. So you offered -- you gave him free publicity, but
12 he's not giving it to you back?

13 A. I don't see it as publicity.

14 Q. You don't think letting him on your show was
15 publicity for him?

16 A. We had let him on -- we had had him on the show to
17 discuss the case that he was involved in. Publicity wasn't a
18 concern, or anything we were thinking about at the time.

19 Q. It was just a recorded conversation among friends,
20 and you didn't care whether anybody saw it all?

21 A. He had been on -- he had been on our stream before,
22 so there was -- in a way it was not a recorded conversation
23 among friends. It was mostly an interview about the trademark
24 case.

25 Q. Now I want to -- I'm not trying to mince words with

1 what you're saying. But I want to make sure that I understand
2 what you're saying.

3 A. Okay.

4 Q. Now I'll grant you that you used the words trademark
5 and TM a lot in the conversation, but didn't you spend a lot
6 of time talking about child pornography and lolicon?

7 A. A lot -- I am unclear what you mean about a lot of
8 time.

9 Q. You mentioned it at least once, right?

10 A. Right.

11 Q. Okay. You said that you put together the video in
12 such a way to suggest to anybody watching the Demonatrix Comic
13 book was Lolicon, right?

14 A. I'm sorry, can you rephrase that?

15 Q. Sure, sure. And maybe I should ask you this first.
16 The video you were looking at earlier where there was -- there
17 was a -- I believe it was Excerpt two that was some pre-
18 recorded comments by Mr. Van Sciver -- and while he's talking
19 about not putting the ComicsGate banner on child pornography,
20 there is an image superimposed which is the cover of the
21 Demonatrix purposed comic book. Do you know what I'm talking
22 about?

23 A. Yes.

24 Q. Okay. Did you edit the video so that it did that?

25 A. Yes.

1 Q. Okay. And the reason that you put that video, when
2 he said those words, was to say, this is somebody putting the
3 ComicsGate banner on child pornography, right?

4 A. Yes.

5 Q. Okay. Now I was a little confused --

6 A. No --

7 Q. -- by it.

8 A. -- actually - I'm sorry. Go ahead.

9 Q. I'm sorry. Go ahead.

10 A. No, go ahead. I apologize.

11 Q. I was a little confused earlier, do you consider the
12 Demonatrix comic book child pornography? Yes or no?

13 A. I consider the Demonatrix Lolicon.

14 Q. Okay. Is Lolicon child pornography?

15 A. Legally, no.

16 Q. Okay. Do you consider -- I mean, I -- I think that
17 we can agree that maybe it's distasteful, is that fair?

18 A. Yes.

19 Q. Okay. Now my notes -- the record -- the transcript
20 of this deposition will show what it shows, but my notes show
21 that you define Loli or Lolicon as anime depicting young girls
22 in sexual situations.

23 A. Yes.

24 Q. Okay. So is there a distinction in your mind
25 between child pornography and Lolicon?

1 A. Yes.

2 Q. Because there's a lot of child pornography that's
3 not Lolicon, right?

4 A. Yes.

5 Q. Is there any Lolicon that's not child pornography as
6 you use those words?

7 A. Lolicon is not child pornography, legally.

8 Q. Okay. So the distinction you're drawing is the
9 legal thing, and that's because it's a drawing rather than
10 people?

11 A. Yes.

12 Q. Okay. Are you a comic book creator?

13 A. No.

14 Q. You're not a writer, or an illustrator or anything
15 like that?

16 A. No.

17 Q. Just somebody who is interested in the industry?

18 A. Yes.

19 Q. Okay. Have you ever had aspirations to being a
20 writer or illustrator?

21 A. No.

22 Q. Okay. All right. Now when were you served with the
23 notice to be here today?

24 A. It was sent to me on that Friday, a week and a half
25 ago, but it got kicked to my Spam folder. I think I saw it on

1 Monday or Tuesday.

2 Q. Okay. And so that would have been, what, are you
3 talking about like the seventh or the eighth?

4 A. I believe so.

5 Q. Okay. And did you have to reschedule anything to be
6 here today?

7 A. No.

8 Q. Did you meet with anybody to prepare for today?

9 A. I met with Mr. Houtteman yesterday.

10 Q. How long?

11 A. Maybe forty-five minutes.

12 Q. Where at?

13 A. A coffee shop in Wallace.

14 Q. And for those of us not in North Carolina, Wallace
15 is a town, a neighborhood?

16 A. It's a town in North Carolina. It's where I live.

17 Q. Who paid for the coffee?

18 A. Mr. Houtteman.

19 Q. Okay. What did y'all talk about for forty-five
20 minutes?

21 A. We talked about the files that I was giving him,
22 where they came from. He gave me a DVD to watch. We talked
23 about Star Trek.

24 Q. What was on the DVD?

25 A. It was a deposition prep from Knowles Law.

1 Q. Do you still have that DVD?

2 A. I gave it back to Mr. Houtteman.

3 Q. Okay. So he -- he gave you the DVD yesterday --

4 A. Uh-huh.

5 Q. And you watched it last night?

6 A. This morning.

7 Q. This morning, okay. And then you gave it back to
8 him this morning?

9 A. Well, yes.

10 Q. Okay. Before the -- before the deposition started
11 you came under oath, did you and he have any conversations?

12 A. Yes.

13 Q. Okay. What did you talk about?

14 A. Mostly the process here. What would be going on.

15 Q. Okay. Tell me about that.

16 A. Where we would be. Saw the lovely law library here
17 in Duplin County. Introduced me to the court reporter. And I
18 helped him -- I provided an extension cord for his camera.
19 That's pretty much it.

20 Q. Okay. Did he give you any kind of preview on the
21 questions he was going to ask you?

22 A. No.

23 Q. Okay. Are you a big Star Trek fan?

24 A. Yes.

25 Q. Okay. It's the kind of thing that you could talk

1 about for forty-five minutes?

2 A. Oh, yeah.

3 Q. Okay. When you talked about the files, what did you
4 talk about?

5 A. I just gave them to him. He glanced over them once
6 he put them on his laptop. I told him where I had gotten
7 them, what they -- what kind of information they contained,
8 and that was it.

9 Q. Now I -- I asked you a minute ago about -- have you
10 had any conversations before you came under oath. Have you
11 had any conversations since you came under oath?

12 A. Yes.

13 Q. Okay. And I'm not talking about what the court
14 reporter has taken down. Did you have a conversation during
15 that break we took 20 minutes ago?

16 A. Yes.

17 Q. What did you talk about?

18 A. Cosplay and conventions.

19 Q. Are you a cosplayer?

20 A. No.

21 Q. Okay. Why were y'all talking about cosplay?

22 A. The court reporter is a cosplayer.

23 Q. Okay. All right. Now I want to ask you about a few
24 individuals, and -- and I want to know -- well, I'll ask you
25 about them as I go. The first person I want to ask you about

1 is Dean Assaf. Do you know who he is?

2 A. Yes.

3 Q. Okay, he is -- I believe you said that he is the
4 co-host on your channel?

5 A. He was the co-host on my channel. We now stream on
6 our own channel.

7 Q. Okay. Have you and he had a falling out?

8 A. Yes.

9 Q. What happened?

10 A. We had a relationship hiccup, would be a polite way
11 to put it. We just had a personal disagreement.

12 Q. What was the disagreement about?

13 A. I'm unclear what that has to do with the topics that
14 were to be discussed today, but it was just a personal issue
15 between the two of us.

16 Q. Now, ma'am, I will remind you that one of the
17 reasons that we're here today is because you and Mr. Van
18 Sciver and Mr. Assaf talked about things that Mr. Poulter and
19 Mr. Lamont would probably consider private.

20 A. He had gotten upset about a tweet that I had posted,
21 and we had an argument about it.

22 Q. Did the tweet have anything to do with Poulter or
23 Lamont?

24 A. No.

25 Q. About when was that?

1 A. Pardon?

2 Q. About when was that?

3 A. Five, six months ago.

4 Q. Okay, okay. Earlier you were talking about a guy
5 named Slick Jimmy, do you recall that?

6 A. Yes.

7 Q. Is that James Adams?

8 A. I do not know his name. I believe it is.

9 Q. Okay. Now in the excerpts you were looking at
10 earlier there was -- there were -- there was discussion of
11 Slick Jimmy, do you recall those?

12 A. Yes.

13 Q. Okay. Now is he -- did he actually get charged and
14 convicted of sex with a minor or something like that?

15 A. No. As far as I am aware, he was charged with being
16 in possession of child pornography.

17 Q. Possession of child pornography, okay. And we've
18 kind of been throwing that phrase around. Do you mean like,
19 with the caveat whether you know because I don't know if you
20 know what he had in his possession, but do you understand that
21 it was -- was legally child pornography?

22 A. Well, -- yes.

23 Q. As opposed to drawings or something like that, it
24 was actually kids?

25 A. Yes, they said it would have been legal pornography.

1 Q. Okay. Now I -- I do want to make sure that I
2 understand your testimony. As we've been talking about, you
3 know, legal and illegal child pornography, I'm not an expert
4 in the laws of child pornography. Do you have unusual or, you
5 know, expertise in the laws of child pornography?

6 A. No.

7 Q. Okay. All right. Now do you recall in the excerpt
8 that I believe Dean and Ethan were referring to Slick Jimmy as
9 one of Preston Poulter's "pals." Do you recall that?

10 A. I believe it was Ethan who had called him that, not
11 Dean.

12 Q. Okay. So Ethan said that Slick Jimmy was one of
13 Preston's pals?

14 A. Yes.

15 Q. Okay. Now you testified that Slick Jimmy -- I think
16 you testified, so let me make sure. Slick Jimmy was never
17 like a guest on Ethan's show -- let me strike -- was never a
18 guest on Preston's show, right?

19 A. Not that I know of.

20 Q. Okay. I mean, Preston did a show about him but it
21 was after the arrest, right?

22 A. Right.

23 Q. Okay. Now Slick Jimmy was on Ethan's show, right?

24 A. Yes.

25 Q. Twice?

1 A. I don't know.

2 Q. Okay. Do you know is -- is Slick Jimmy, like, is he
3 in prison or -- do you know?

4 A. I have no idea.

5 Q. Okay. Are you and Slick Jimmy friends?

6 A. No.

7 Q. Okay. Ever been friends?

8 A. No.

9 Q. Okay. All right. Do you know a person named Dave
10 Sims?

11 A. Yes.

12 Q. Who is Dave Sims?

13 A. Dave Sims is a comic book creator -- comic book
14 artist, creator, writer.

15 Q. Okay. Are you friends with Dave Sims?

16 A. No.

17 Q. Do you know whether or not Ethan Van Sciver is
18 friends with Dave Sims?

19 A. I have no idea.

20 Q. Have you ever heard anything about Dave Sims having
21 a relationship with a 14-year-old girl?

22 A. Yes.

23 Q. Okay. What have you heard?

24 A. Mr. Sims had met a young woman. She was fourteen.
25 He continued being friends with her. And then, when she was

1 legal, they had a sexual relationship.

2 Q. So he waited -- I mean, every state is different --

3 A. I want to say, like, I think she was, twenty or
4 twenty-one when they hooked up.

5 Q. And so he had, like, a six or seven -- at least a
6 six or seven year relationship with her?

7 A. Yes, as far as I am aware.

8 Q. Okay. There is a name that I've seen, and I'm not
9 totally sure who this is. I'm hoping you can help me out. Big
10 Daddy.

11 A. Uh-huh.

12 Q. Do you know who that is?

13 A. Yes.

14 Q. Okay. Who is that?

15 A. He is a YouTuber. That's his channel is Big Daddy.
16 He goes by Big Daddy.

17 Q. Do you and he kind of appear on each other's shows?

18 A. I have been on his stream in the past.

19 Q. Okay, okay. I wanted to ask you about Liam Grey.

20 A. Okay.

21 Q. I think you said that he is a comic book creator in
22 Australia?

23 A. Yes.

24 Q. Okay. Is he still alive?

25 A. Yes.

1 Q. Do you know whether or not he has attempted suicide?

2 A. You'll have to clarify that question.

3 Q. Do you -- do you know whether or not he has tried to
4 kill himself?

5 A. He had suicidal ideation and was admitted to and
6 involuntarily committed for a very short period of time.
7 Late -- late last year.

8 Q. Do you know the context surrounding that?

9 A. Yes, I think.

10 Q. Tell us that.

11 A. He is easy -- Liam has been easy to pick on for
12 ComicsGate, and John Delarosa in particular would -- most of
13 his livestreams just became him mocking Liam. And --

14 Q. Who is John Delarosa?

15 A. John Delarosa is another comic creator. He is
16 located in California. An indie comic creator.

17 Q. Does he produce comics under the ComicsGate brand?

18 A. John Delarosa published a comic book under Preston
19 Poulter's ComicsGate trademark.

20 Q. Now, I'm glad that you drew that distinction because
21 let me ask this first, first and foremost. Do you have any
22 training or education or background in trademark law?

23 A. No.

24 Q. Okay. So when you say he published it under Preston
25 Poulter's trademark versus Ethan Van Sciver's, you're not

1 trying to draw any legal conclusions about who legally owns
2 the trademark, are you?

3 A. No.

4 Q. Okay. Now maybe you have your own opinion, and I'm
5 not trying to discount that. I'm just saying you're not like
6 a trademark judge, right, making this decision? Is that fair?

7 A. Right.

8 Q. Okay. So are you saying that John Delarosa is --
9 I'm sorry. Let me back up. Would it be fair to say that in
10 the ComicsGate universe there are sort of two camps, there's a
11 Poulter camp and Van Sciver camp, is that fair?

12 A. No.

13 Q. Okay. Explain to me the ComicsGate universe. Are
14 there sides, multiple sides?

15 A. There are multiple lunch tables in the ComicsGate
16 ecosystem.

17 Q. Okay.

18 A. So there is no you are either Ethan or Poulter. You
19 are either ComicsGate or you are not ComicsGate.

20 Q. So help me understand why are Van Sciver and
21 Lamont -- sorry -- Van Sciver and Poulter fighting so hard
22 about this thing that it sounds like neither of them controls?

23 A. You would have to ask them.

24 Q. Would you agree with me that Van Sciver is a bully?

25 A. Yes.

1 Q. Okay. It sounds like he's bullied you as recently
2 as -- what? -- yesterday, day before?

3 A. No.

4 Q. March 11th?

5 A. Ethan doesn't bully me.

6 Q. Broke, miserable, sarcastic and cruel separated from
7 family and friends without a purpose in life and an atheist.

8 A. Yeah.

9 Q. Describing you?

10 A. Right.

11 Q. You quoted him -- maybe -- maybe this is -- maybe --
12 I just realized, I suggested he bullied you, maybe you gave it
13 back as good as you get, is that accurate?

14 A. Yes.

15 Q. Okay. All right. Now you and Dean, back when y'all
16 ran a show together, y'all made a lot of comments about John
17 Lamont and Preston Poulter, right?

18 A. How are you defining a lot?

19 Q. More than one.

20 A. Certainly.

21 Q. Okay. You called -- you called Lamont pedophilic,
22 does that sound right?

23 A. No.

24 Q. You didn't call him pedophilic?

25 A. I called the art from the Demonatrix pedophilic.

1 Q. Okay. Did you say that John Lamont should be
2 ostracized from society?

3 A. I don't recall saying that.

4 Q. Do you know if Dean said that?

5 A. He may have. I don't know.

6 Q. Okay. Did you ever suggest that John Lamont should
7 be shot for being a pedophile?

8 A. No, I did not.

9 Q. Okay. But you know that Dean did, right?

10 A. I don't believe that he did.

11 Q. Okay. But you agree with me that the videos are
12 what they are, right?

13 A. Yes.

14 Q. They're still up there. People can still pull them
15 up and watching them if they want to today, right?

16 A. Yes, nothing has changed.

17 Q. And you don't have any plans to taken them down or
18 edit them or change them or anything, right?

19 A. No.

20 Q. Okay. And -- and the video, as it is today, is the
21 same one that was originally published, hasn't been edited?

22 A. Has not. Nothing has been edited.

23 Q. Okay. Have you ever called Preston Poulter a
24 pedophile?

25 A. No.

1 Q. Have you ever called him a child pornographer?

2 A. No.

3 Q. Do you consider the -- sorry. Let me start here.

4 Do you consider somebody who draws Lolicon a child
5 pornographer?

6 A. Legally, they are not a child pornographer.

7 Q. Okay. Do you consider them a pedophile?

8 A. No.

9 Q. Okay. What about somebody who publishes Lolicon?

10 A. Legally, they are not a child pornographer.

11 Q. What about a pedophile?

12 A. Legally, they are not a pedophile.

13 Q. So if you ever said that, and I'm not saying you
14 did, the videos show what they show, but if you ever said
15 that, that was false, wasn't it?

16 A. I'm sorry. Can you rephrase that question?

17 Q. Yeah. If you ever said, "John Lamont draws Lolicon.
18 He is a pedophile and a child pornographer." You agree with
19 me that that statement is false?

20 A. I'm sorry. You're going to have to -- you're going
21 to have to rephrase that one more time.

22 Q. Sure. If you ever said, "John Lamont is a
23 pedophile," you agree that that statement is false?

24 A. It's still -- you're still giving me an if question
25 that -- I mean --

1 Q. So -- so --

2 A. Go ahead.

3 Q. My question for you. A moment ago I asked if you
4 said that John Lamont is a pedophile, right?

5 A. Right.

6 Q. Yep.

7 A. And -- go ahead.

8 Q. And you and I agree that the videos show what they
9 show, the words come out of your mouth, the words come out of
10 Dean's mouth, that is what it is, right.

11 A. Right.

12 Q. Now if that video shows -- you know, I'll take the
13 "if" part out. Would you agree with me that John Lamont is
14 not a pedophile?

15 A. Yes, I would agree with that statement.

16 Q. Would you agree with me that John Lamont is not a
17 child pornographer?

18 A. Yes, I would agree with that statement.

19 Q. Okay. Same questions for Preston Poulter. Preston
20 Poulter is not a pedophile?

21 A. Correct.

22 Q. Preston Poulter is not a child pornographer?

23 A. Correct.

24 Q. All right. You and Preston, you said that you and
25 he worked together for a little bit on his channel and on his

1 Discord, did I get that right?

2 A. Yes.

3 Q. Why don't y'all work together anymore?

4 A. We had a falling out during the ComicsGate trademark
5 contest.

6 Q. Tell me about that.

7 A. Certainly. There was three judges. There was me,
8 Preston Poulter, and a gentleman by the name of Jonathan
9 Nolan, who went by the moniker zombienamacom. During the
10 contest and the lead up up to it, it came to light that
11 Jonathan Nolan was a major con artist out of Australia. It
12 was something to do with actually sending people to space.
13 Conned millions of dollars out of the Australian public. And,
14 when Dean and I did a video about it, Preston got upset that
15 we didn't keep it in-house, and we went public. And, other
16 than that, he had no -- he wasn't planning on doing anything
17 about Zombie. He was going to continue to let him hang
18 around.

19 Q. Okay.

20 A. Which also led to a gentleman by the name of
21 MeckaMicCheese whose real name I do not know. Who is working
22 with Zombie to take over the ComicsGate trademark Wiki, which
23 they successfully did and Preston had chosen to do nothing
24 about that as well. And then continued to insist that I
25 continue to work with MeckaMicCheese as a mod in Preston's

1 Discord, and be on streams with him, and I refused.

2 Q. Okay. I don't quite want to characterize it as a
3 job necessarily, but it sounds like you quit rather than he
4 fired you?

5 A. Yes, I quit. My very last day in that Discord was
6 when we did the judging for his contest.

7 Q. Okay.

8 A. As soon as the judging was over, I left his Discord.

9 Q. Okay. Now where did you get the information --
10 excuse me -- that Jonathan Nolan was a con man?

11 A. Originally, we had seen it on one of Ethan Van
12 Sciver's streams.

13 Q. Okay. Did you ask Jonathan Nolan about that?

14 A. No.

15 Q. Did you do any independent investigation about that?

16 A. Yes.

17 Q. Okay.

18 A. We did a stream about it.

19 Q. Go ahead. You anticipated where I was going.

20 A. Yes, we actually did a livestream about it. I want
21 to say it was the Row, Row, Row Your Boat livestream where we
22 discussed it. We went and dug up forum posts, and the
23 Australian Broadcasting Corporation had done a Dateline
24 program on the con, and it was him, so --

25 Q. Okay.

1 A. Space something. I can't remember what the program
2 was.

3 Q. Okay. Now he -- is he in prison or anything?

4 A. No.

5 Q. Okay. I don't want to put words in your mouth, but
6 the way you said that it sounds like you think maybe he should
7 be?

8 A. Yeah, I probably -- if I was in charge, I probably
9 would have put him in prison for milking people out of
10 millions of dollars for Space Walker is what it was called.

11 Q. Got it. Just -- give me just a minute. I'm looking
12 over my notes to make sure that I've asked you everything I
13 want to. We don't need to go off the record, I just need a
14 couple of minutes. Okay. I have just a few -- a few sort of
15 big questions. So you live in Wallace, North Carolina, is
16 that right?

17 A. Yes.

18 Q. Okay. Now you have filed some things with the
19 Federal Court in Dallas. The address you've put on there,
20 that's a good address for you to get stuff to you?

21 A. Yes.

22 Q. Okay. What do you do for a living?

23 A. I am a full-time volunteer at a 501C-3 called The
24 Sanctuary Project in Wallace.

25 Q. So you said you're a full-time volunteer?

1 A. Uh-huh. Yeah.

2 Q. That means they don't pay you?

3 A. Correct.

4 Q. How do you pay your rent?

5 A. I do not pay any rent because I volunteer full-time.

6 Q. Okay. How do you -- how do you eat? How do you pay
7 for things?

8 A. I take little side jobs. Occasionally, I'll do some
9 waitressing at the Pizza Corner. People -- pretty much,
10 that's pretty much it. I dog sit. I dog walk.

11 Q. Do you make any money from your YouTube channel?

12 A. No.

13 Q. And I don't necessarily mean profit, I mean does
14 anything come in?

15 A. No, my channel is not monetized. It's not big
16 enough to qualify for monetization.

17 Q. Do you have a long term goal of getting it
18 monetized?

19 A. No.

20 Q. I think you said you're not -- you're not in the
21 comic making business, right?

22 A. Correct.

23 Q. Okay. Just somebody that likes comics a lot,
24 occasionally do judging, that sort of thing?

25 A. Yes.

1 Q. Okay.

2 A. Though I don't see the judging thing happening
3 again.

4 Q. Is that because you don't like Preston Poulter
5 anymore?

6 A. No.

7 Q. Okay. Just not something you're interested in
8 anymore?

9 A. I don't see that happening again, just the
10 circumstances or somebody asking me to.

11 Q. Understood. Okay. There -- there was mention
12 earlier, and I don't know if it got clear on the record,
13 somebody named Auby, do you recall?

14 A. Yes.

15 Q. Okay. Now, I understand that to be Preston
16 Poulter's ex-wife, is that your understanding?

17 A. Yes.

18 Q. Okay. Do you and she have any kind of relationship?
19 Do y'all know each other?

20 A. We say hello in chats. We've been in a -- we've
21 DM'd a little bit.

22 Q. Have you DM'd about Preston?

23 A. Yes.

24 Q. What about?

25 A. It's been a long time since I've spoken to her.

1 Mainly that she wished us well, but wasn't going to be getting
2 involved because she didn't want to have to deal with the
3 fallout from Mr. Poulter.

4 Q. You say she wished y'all well.

5 A. Uh-huh.

6 Q. Who is -- when you said us? Who is us?

7 A. Dean and I.

8 Q. Okay. And she said she wouldn't get involved,
9 wouldn't get involved in what?

10 A. With the lawsuit in any way, shape, or form.

11 Q. Okay. So that was -- that's been since Preston
12 filed his lawsuit in Dallas?

13 A. Yes. Yeah, I don't think I've spoken to her in well
14 over nine months.

15 Q. Were you trying to get her help in that lawsuit?

16 A. No.

17 Q. So just help me understand the context. Did she
18 DM'd you out of the blue and said, hey, I'm not getting
19 involved?

20 A. No, I believe I had initiated contact with her. I
21 had a question about something she had said on a livestream,
22 and I found that I liked her. We just traded DMs for a while
23 talking about nonsense and ComicsGate.

24 Q. Okay. And -- I mean, that explains why y'all were
25 able to DM each other. Why did she DM you to say she wouldn't

1 get involved?

2 A. It was just a general when we were first chatting.
3 It wasn't like a -- it was just part of the conversation that
4 we were having.

5 Q. Gotcha. Do you know whether or not Ethan Van Sciver
6 has approached her?

7 A. I have no idea.

8 Q. Okay. All right. The last question I'm going to
9 ask you, I don't want you to take it the wrong way, it's just,
10 it's one of those check box questions that lawyers have to
11 ask. Have you ever been arrested or convicted of any felonies
12 or misdemeanors?

13 A. No.

14 Q. Okay. All right. Now we've only been talking --
15 you and I have only been talking for maybe 45 minutes, but did
16 you understand everything I asked you or you asked me to
17 clarify if you didn't?

18 A. Yes.

19 Q. Okay. And is there anything that you -- you want to
20 add or correct about anything that you said?

21 A. No.

22 Q. That's all I have. I will pass the witness.

23 ON EXAMINATION CONDUCTED BY MR. SCOTT HOUTTEMAN:

24 Q. Okay. I just want to clarify one line of
25 questioning. When you use the term child pornography in the

1 context of an image, are you using child pornography in an
2 ordinary sense, or are you using it as hyperbole?

3 MR. KAROUNOS: Objection to form. You may answer.

4 A. I'm not sure --

5 Q. Well, let me rephrase it. So you had said that you
6 understand that there is no way that an image that does not
7 depict a real person is legal child pornography, correct?

8 A. Correct.

9 Q. Why then do you use the word child pornography
10 when -- if you use the phrase child pornography in the context
11 of an image, would that mean that you really think that that
12 image is child pornography?

13 MR. KAROUNOS: Objection to form. You may answer.

14 A. You mean animated?

15 Q. Yeah, when I say image I should be more specific,
16 so.

17 A. An illustration versus a photograph?

18 Q. Yeah. So if you are referring to an illustration
19 and in that context you use the word child pornography, is
20 that because you suddenly don't understand what the legal
21 definition of child pornography is?

22 A. In -- in my opinion, Lolicon is nothing but
23 legalized child pornography because it is an illustration. So
24 that's the shortcut. It's not that it's legal child porn, but
25 it is most definitely child porn.

1 Q. Okay, I think that's clear enough.

2 A. If that makes sense.

3 Q. Yeah.

4 MR. HOUTTEMAN : No further questions. All right.

5 I

6 think that ends it for the rest of us, unless you guys have a
7 follow-up on that? No?

8 MR. KAROUNOS: I have nothing.

9 MR. MASTEN: Sorry, Madame Court Reporter. We have
10 nothing else.

11 MR. HOUTTEMAN : All right, then, I guess that
12 brings the deposition to a close. And we will talk to you
13 next time.

14 MR. KAROUNOS: Yeah, just for the record, just Mr.
15 Masten stated earlier I do reserve the right to recall this
16 witness if necessary as discovery proceeds, obviously, for
17 issues that were not covered already today, should that be
18 required.

19 MR. HOUTTEMAN : Anything else?

20 MR. KAROUNOS: Oh, not for me. And, Madame Court
21 Reporter, that was Chris Karounos.

22 COURT REPORTER: Yes, sir.

23 MR. HOUTTEMAN : All right. If there are no
24 objections I'm going to end the Zoom.

25 MR. KAROUNOS: None for me. Jeremy?

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MR. MASTEN: None for me.

MR. KAROUNOS: Okay.

* * * * *

DEPOSITION CONCLUDED AT 12:41 P.M.

1 STATE OF NORTH CAROLINA)
 2) C-E-R-T-I-F-I-C-A-T-I-O-N
 3 COUNTY OF PITT)
 4
 5

6 I, AIMEE C. RIGSBY, A COURT REPORTER AND NOTARY
 PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, DO
 7 HEREBY CERTIFY THAT THE FOREGOING PAGES ARE AN ACCURATE
 TRANSCRIPT OF THE DEPOSITION OF VICTORIA CAMILLE KUNDERT,
 WHICH WAS TAKEN BY ME, AND TRANSCRIBED BY ME.
 8

9 I FURTHER CERTIFY THAT THE DEPONENT WAS FIRST DULY
 AFFIRMED BY ME, AND THAT THE DEPONENT AND PARTIES DID NOT
 WAIVE THE SIGNING OF THE DEPOSITION BY THE DEPONENT.
 10

11 I FURTHER CERTIFY THAT I AM NOT FINANCIALLY
 INTERESTED IN THE OUTCOME OF THIS ACTION, A RELATIVE,
 EMPLOYEE, ATTORNEY OR COUNSEL OF ANY OF THE PARTIES, NOR
 12 A RELATIVE OR EMPLOYEE OF SUCH ATTORNEY OR COUNSEL.

13 THIS, THE 14TH DAY OF MARCH, 2023.

14 MY NOTARY PUBLIC NUMBER IS 200525000114.
 15
 16
 17
 18

19 /s/ Aimee C. Rigsby

20 _____
 21 AIMEE C. RIGSBY
 22
 23
 24
 25

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1 Victoria Kundert

2 vikkiverse@gmail.com

3 April 18, 2023

4 RE: Lamont, John T. Et Al v. Van Sciver, Ethan Et Al
5 3/14/2023, Victoria Kundert (#5806586)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

Lamont, John T. Et Al v. Van Sciver, Ethan Et Al
Victoria Kundert (#5806586)

E R R A T A S H E E T

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Victoria Kundert

Date

1 Lamont, John T. Et Al v. Van Sciver, Ethan Et Al
2 Vikkiverse (#5806586)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Victoria Kundert, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Victoria Kundert

_____ Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
15 _____ DAY OF _____, 20____.

16
17
18 _____
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[& - action]

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New Jersey Rules Governing Civil Practice

Part IV, Rule 4:14

Depositions Upon Oral Examination

4:14-5. Submission to Witness; Changes; Signing

If the officer at the taking of the deposition is a certified shorthand reporter, the witness shall not sign the deposition. If the officer is not a certified shorthand reporter, then unless reading and signing of the deposition are waived by stipulation of the parties, the officer shall request the deponent to appear at a stated time for the purpose of reading and signing it. At that time or at such later time as the officer and witness agree upon, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, and any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness. If the witness fails to appear at the time stated or if the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the witness' failure or

refusal to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under R. 4:16-4(d) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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